THE RIGHTS, LIBERTIES, AND AUTHORITIES, OF THE *Christian Church.*

Asserted against all *Oppressive Doctrines*, and *Constitutions.*

To which is added a Justification of the *Municipium Ecclesiasticum*, against the Observations of an Anonymous but Candid Adversary.

By *SAMUEL HILL* Rector of *Killmington.*

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LONDON: Printed for the Author, and Sold by the Booksellers of *London* and *Westminster*, 1701.

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PREFACE
TO THE
READER.

IT is the Common and Melancholy Complaint of many Religious Perſons, that there are ſo many intricate and vexatious Diſputes in allmoſt all the Articles and Matters of Religion, that they diſpoſe Men to *Diſtraction*, *Atheiſm*, or *Popery*. And, upon this Prejudice, the World is as much offended at all ſuch Contentions *for*, as *againſt* the Truth; equally branding them all for litigious and *Peſtilential*. And therefore I, who am among the unhappy number of ſuch Writers, am obliged to defend my ſelf, and all others appearing for the Cauſe and Principles of Piety, from ſuch a pre-occupation, that the good, we intend, may be entertained without Obſtruction. It is therefore to be obſerved, that 'tis not Diſputation ſimply which creates any Miſchief, but the perverſe Deſigns of Men in Corrupting that Exerciſe of their Rational Powers; for ſimply without it there is no fitneſs, nor ſufficiency for any Buſineſs whatſoever. But when Men affect Dictature, Victory, or Miſchief by odd, novel, needleſs, or pernicious Singularities, to the extinction, or corruption of what is good, then is the World plagued and inflamed into inevitable Diſcords and Provocations. And therefore in Principles or Conſtitutions of Religion clearly Eſtabliſhed by God, when wanton Men bring theſe under the Torture and Cenſure of their own Critical or Dialectical Curioſity, and ſo expoſe them to *doubt*, *unbelief*, and *contempt*; a Silence under theſe Impieties muſt argue our *complacency* in them, or *conceſſion* to them; the effect of which muſt be the utter Extermination of all *Divine Revelation* out of the World, and therewithal an extinction of

the Prieſthood, which will deſervedly follow the former. For if we will not maintain the *Depoſitum* committed to us from Heaven againſt all oppoſite Errors, or Impoſtures, we are an unfaithful and perfidious Generation, and fit to be caſt out both by God and Man. And this, I think, is a *ſhort*, but *full* Juſtification of thoſe *who* earneſtly and juſtly *contend for the Faith that was once delivered to the Saints.* Hence *Chariſius* a Philadelphian Presbyter juſtifies his Impeachment of *Neſtorius* and his Party; (1.) that *though all diſcreet Men deſire to revere their* Spiritual Fathers *and* Doctors, *yet if any of* theſe *ſhall teach Noxious Doctrines, the Order muſt be inverted, and* they *convicted by their* Inferiors. If then by this means *Offences come, may the woe be to them, by whom they come*; which, I hope, ſhall never be Chargeable on me, or my Writings.

(1.) *Ap. Concil. 1. Epheſ. Par. 2. Act 6.* Εὐχὴ μὲ ἅπασι πῖς ἐῦ φρονῦσι, πιλιὼ ἀεὶ χ̀ τρέπεσαν αἰδῶ πνδιαπιοῖς μάλιςα παλεφσι χ̀ διδασκάλοις ὑπονέμειν· εἰ δέ πς συμβῇ τοὺ διδάσκν ὀφείλονπας πιαῦπα τοῖς ὑφηκόοις ἐνηχεῖν περὶ τ πίςεως, οἷα τὰς ἀπάνπων ἀκοὰς καπαβλάπ̀ει, ἀνάγκη τ τάξιν ἀνπεμάπεως, χ̀ τοὺ κακῶς διδάσκν ἐλομένους ὑπὸ τ̀ ἧ ἤκουσαν ἐλέγχεως.

And that this may be my Juſtification againſt Doctor *Wake*'s Unhappy Deſigns, I think it fit to acquaint the World, that before I undertook this laſt Work, I propoſed ſome terms of ending the Controverſy, either by the *Doctor*'s Anſwering the *Municipium*, Chapter by Chapter, in all thoſe Parts that are oppoſite to his Notions, before I went farther, (which he refuſed) or to ſatisfy me in two or three Fundamental Queſtions, which he indeed attempted, but not to any tolerable degree of Satisfaction; upon which I thought it fair to pre-acquaint him with the Deſign of this Work. At which he was ſo impatient, that he could keep no longer *decorum*, but amidſt much Choler threatned me from ſome other Hand with a ſevere Examination. He does not allow me to Print our Letters, and ſo the Reader ought not to expect it from me. But about Chriſtmaſs, *An.* 1698. the threatned Vial of Indignation was poured out at large upon me in the *Anonymous Obſervations* on the *Municipium Eccleſiaſticum*, and its Defence, which I cannot get *Doctor Wake* either to *own*, or *renounce*, either to *juſtify*, or to *cenſure*: And therefore I need to have ſaid no more to it; but however, to obviate all falſe Triumphs, or Pretences, without any regard

gard to his Rudeneſſes, I have given his Cavils ſufficient Conſideration in a little Anſwer tacked to this Work. But ſince the finiſhing of my Book (which has lain at *London* ever ſince *Michaelmaſs*, *An.* 1699.) there has appeared a much talked of Expoſition of the 39. Articles of our Religion, in which our preſent Subject was to be treated of, and ſo this Author's Notions fell inevitably under my Conſideration, by which I might be directed either to *go on* with, or *correct*, if not *retract* this preſent Work. The Expoſition is ſo glorioufly recommended by the Author of it, that it wants only a *Publick Stamp* to make it a *Standard*; but the ſame Wiſe Author well obſerves, that *it muſt have undergone a ſeverer Canvaſs in all Particulars*, before it could have obtained ſuch a Signal Eſtabliſhment. There are in it indeed a vaſt Collection of Noble Thoughts and Theories, with ſuch an entertaining Stream of Elocution, that I could heartily wiſh there had been no unhappy mixtures to make abatements, or at leaſt, that none ſuch had happened in the preſent Subject, for which I am concerned, and which I am obliged to oppoſe much againſt mine Inclination: For I had reſolved never to concern my ſelf with that Writer more; not for fear of him, but to avoid the Imputation of a Spightful Animoſity; but ſo it happens, that a force lies upon me, either to condemn my own Senſes herein, or *his*; and I could rather wiſh my ſelf in an innocent Errour to have been reformed by him, than the contrary, but ſince I am ſure he is out in ſome important Matters, he muſt Pardon me, if I lightly touch at the miſadventures, which he may thereupon, in the next Edition, Correct. He has in this Expoſition made great amendments in his *Diſcourſe of the Divinity and Death of Chriſt*, for which the World may perhaps thank me; and if I have the like ſucceſs now on this Eccleſiaſtical Subject, I think I ſhall not have laboured in vain. Which that it may be more fully done, I muſt take in alſo ſome Paſſages in his *Reflections on the Book for the Engliſh Convocation*, in all which Doctor *Wake* and he are in the ſame Channel, and with a very rapid Torrent run over all Objections without any Notice or Regard: And this is the Method and Order of his Theories and Deſigns.

The firſt Care is to turn off the Senſe of thoſe Scriptures, in *Matt.* 16, 19, 20. and 18. 18. of *the Powers of binding*

and loosing, (2.) and that in St. *John*, *Ch.* 20. *v.* 23. of *remitting and retaining Sins* (3.) out of the Old Channel, by prefering the affected, novel, forced, and nonsensical Interpretations of *Anti-Hierarchical Criticks* before that absolutely Catholick Sence of them, which was the Faith of all Churches from the Apostles Days for *the Divine Right* and Powers of the Ecclesiastical Discipline, and upon which Faith Christianity stood out all Persecutions under *Pagan*, as it does at this time under *Mahometan* Powers; but if their Notions were false, then was the Church supported againſt all the Powers of Hell by a meer *Cheat* and *foul Imposture*, by which they were persuaded, that the Sentence of Heaven followed and confirmed *there*, the Sentence of the Hierarchical Powers *here*, which yet was the most Impious Presumption and Sacrilege, if not true; and if the other Senses of our Novelists were the Intention of these Scriptures.

(2.) *Exp. on Artic.* 19. *p.* 190. *on Artic.* 33. *p.* 367, 368.

(3.) *On Artic.* 25. *p.* 274, *to* 277.

The Foundations being so treated, there is however a Power of Discipline pretended in the Church. What! With any Authority upon the Soul? No, not a bit; but only to admit Persons into it, and turn them out of it, by a Polity common to all Societies for common Peace, and Order's sake, and upon the Principles of Humane Prudence; but *Satan* has no more Power over you *out* of the Church *now* than *in* it; since he is not used as an *Executioner* of *Bodily Diseases*, and an *Anathema* was only inflicted by the Apostles, not for *partial Heresy*, but *total Apostacy*. (4.) And so turning out of a *College*, or any *Corporation* for Immoralities is as much prejudice to the Soul as *Excommunication*, and consequently *Absolution* no more necessary to the Salvation of the Excommunicate, than *Restitution* to any secular Community. And these Preparations being made, we are then to consider what a System and Society the Church is, first under *Heathen*, and secondly under *Christian* Magistrates.

(4.) *Exp. on Artic.* 33. *p.* 364, 365. where the Ecclesiastical Sense is Injuriously and Odiously Represented, as a design to Damn, and not to Humble unto Repentance.

First then, *In time of Persecution under Unchristian Powers, the Lay Christians protect their Pastors, and are to be considered as a Body Governed by them, who are to be much consulted, and their Consent to be had. The Degrees, Extent,*

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reſtrain'd from the *Community* to the more *Eminent Laity* as the *Churches Patrons*? And wherein did that *Eminence* conſiſt? In their *Wealth*, (is that an *Eminence*?) or *Titular Honour*? or *Civil Power*? And in what *peculiar Offices* of theirs did *this Patronage* conſiſt, ſo as to make them *in ſtead of Magiſtrates to their Paſtors*? After all, if they are *Magiſtrates*, the Government begins not in the Subject Paſtors, nor ends in them after the *conſultation* and *conſent* of the *Laity*; but the whole lies in the *Laity*, and nothing but *Obedience* becomes *Paſtors*, who are graciouſly treated, if their *Laity* be ſo kind as to conſult them, for ſuch *conſultation* is no Right of a *meer Subject*, *who has no part in the Legiſlature*. But then if the *Paſtors* were Governours only, the *Laity* had no ſtrict Right of *Conſultation* and *Conſent* for the ſame Reaſon; neither is there any ſuch aſſerted to them in any of St. *Cyprian*'s Epiſtles; though by *condeſcention* in their *own concerns* 'twas thought more obliging ſometimes to bring them into the place of Conſultation, and to hear their Propoſals, and ſo to give the moſt plenary and endearing Satisfaction. And this will the eaſier be believed, for that this Expoſitor does, in a Deſign againſt the Intereſt of the Clergy in Synods, object the Opinion of many Learned Men, that even the Clergy have no place in ſuch Counſels, but by the Grace of the Biſhop, no not in St. *Cyprian*'s Accounts, that are ſo fair for the lower Orders. (6.) by which Doctor *Hammond*'s High Notions of Hierarchy are ſtrain'd againſt the Clergy contrary to his Intention; though again renounced by this Expoſitor in the ſame Reflections. (7.)

(6.) *Reflect. on the Book for Engl. Convoc.*

(7.) p. 9.

Come we in the next place to the State of the Church under Chriſtian Princes or Magiſtrates. And here it is ſaid firſt of all, that *when the Magiſtrate is Chriſtian, he comes into the ſtead of the whole People.* (8.) So when the Magiſtrate is Heathen, the Lay Chriſtians are in the Magiſtrates ſtead; when the Magiſtrate becomes Chriſtian, he comes into theirs. And does he ſo indeed? They then being *to be conſidered before as a Body governed by their Paſtors*, ſo muſt the *Chriſtian Magiſtrate* be conſidered, when he aſſumes *their* Place. And his *Counſel* and *Conſent* is to be taken in only *ſubordinately*, but the *firſt* and *laſt Authority* is ſupremely in the *Paſtors*. Theſe are the direct Conſequences of this Author's Principles. And yet will he abide by them? No: For elſewhere he aſſerts, that *the King is no otherwiſe Head of the Church, than as he*

(8) *Exp. of Artic.* 23. p. 258.

is

is of the State; (9.) and though the 37. *Article*, and the 2d. *Canon* of 1603. and the firſt of 1640. lay the Foundation of the Eccleſiaſtical Supremacy in the *Piety* of *Jewiſh* and *Chriſtian* Kings; yet the Expoſitor denies it, and aſcribes it even to *Heathens*, but on the Suppoſition of *Protection*, without which the Church may Govern themſelves in neglect of the Magiſtrate. (10) So one while the Magiſtrate ſucceeds in the Supremacy of the Laity (which were in ſtead of Magiſtrates to their Paſtors) *by becoming Chriſtian*; other while he is Supreme in *Chriſtian Matters* without being *Chriſtian*, in Expoſition of the Article, that lays it in the *Chriſtian Qualification*. As to the *Protection* pretended as the Obligation to Submiſſion under an *Heathen Prince*'s Supremacy, I wonder at the confidence in alleging it, conſidering how much, and how juſtly it is exploded by many, and alſo by *Municipium Eccleſiaſticum*, *Cap.* 9. But however, if the Church muſt be Govern'd only on the Account of *Protection*, then muſt it be Judge, when *Protection* is denied; and if it be in the ſmalleſt Inſtance, this makes a *forfeiture* or *devolution* to the Church, (of which much more will be ſeen in this Book) and then this Supremacy ſignifies nothing but a *Name* without a *Thing*; for the denial of any Church Liberties deſtroys it, and the granting of thoſe Liberties diſcharges the Church as much from the *Chriſtian* as *Unchriſtian* Princes; under both which if they are *protected*, they muſt have all their *Primitive Powers*.

(9.) *Reflect. on the Eng. Convoc. Book.* p. 8.

(10.) *Artic.* 37. p. 386

But ſo far is this Expoſitor from being uniform to his own Notions and their Native Conſequences, that he denies that there is any double Authority in *Princes* and *Paſtors* over the ſame People; for his Words are expreſs and ſhort, that, "*All Mankind muſt be under one Obedience*, "*and one Authority*, and why? Leaſt by a *Relation to Spirituals*, all things ſhould be eaſily reduced from the Civil to the Spiritual Powers, and ſo the Magiſtrate rendred precarious, which would be therefore a ſtrong and juſt Prejudice to Princes. So farewel all Church Cenſures, not only as to their *Exerciſe*, but their very *Right Apoſtolical*; ſince either they *are none at all*, or only *from the Magiſtrate*; and that whether *Heathen* or *Chriſtian*, of which herein there is no diſtinction made, neither can there. And therefore if he ſeem to affirm the contrary elſewhere, you know *ſelf Contradictions* are a frequent ſort of *ſelf Denials*, but this is round, and reſolutely purſued to its utmoſt Conſequences: For, Farthermore,

Exp. of Art. 37. p. 386.

(11.) *Expos. of Artic.* 37. p. 386. (12.) *Reflect. on Eng. Convoc. Book.*

Farthermore, were we told, that the Magiſtrates Supremacy, though not *Chriſtian*, yet if *Protecting*, extends to all things not determined by the Law of God, (11.) and that *the Magiſtrates Authority muſt go to every thing, that is not contrary to the Law of God*: (12.) And conſequently all *Primitive Canons*, and *Conſtitutions* were *Nullities*, and *Uſurpations*. Nay, I dare undertake, as he has turned off the Hierarchical Scriptures from the Right of the Biſhops, he may much more eaſily turn off thoſe for the Miniſtration of the *Word* and *Sacrament*; which (without *Catholick Tradition*) are far leſs clear for the Property of Paſtors, than thoſe of *binding and looſing*, *remitting and retaining*; and ſo theſe alſo ſhall be in the Hands of Laity and Lay Magiſtrates: For why cannot the ſame Pretence hold, that theſe alſo devolved on the Magiſtrates becoming Chriſtian? And how are theſe forbidden to the Magiſtrate by the Scriptures, without the help of *Catholick Tradition*, which this Expoſitor explodes? So that take his Theories together, and they will deſtroy *our Property* even in the *Word* and *Sacraments* contrary to the 37th *Article*; and now, were it as much the Intereſt or Inclination of Oppreſſive Powers to invade *theſe*, as it is to invade the *Hierarchy*, it had been done effectually by the ſame Pretences long ſince. But the prettieſt jeſt of all is, that he ſays, that "*Let Men vex themſelves as long as they pleaſe* "*in fixing the limits of Civil and Eccleſiaſtical Authority*; "*he believes no other will be ever found out but this.* Say you ſo? And how then came it never to be found out before *Eraſtus*, and his Irenical Improvers? How came all the Fathers, Councils, and Churches till the Reformation, and moſt parts of the Reformation, never to have found it, but have held the *Co-ordinate*, or *Collateral* Diſtinction? It was upon this Suggeſtion, that I thought my ſelf obliged to explode theſe Notions, by which not only my preſent Work, but the Care and Sentiments of the Catholick Church of all Ages have been made frivolous and erronious; which yet I ſuppoſe will ſtand, when this Man's *Innovations will hardly out-live himſelf*: For meer impoſing Dictates, contrary to the Univerſal Senſe of all Mankind, without any Authorities, or Reaſons, but only a few *incompetent* or *ignominious* Inſtances to recommend them, are not made for Life or Continuance.

But to offer ſuch without fairly ſtating the Caſes controverted herein (even among Proteſtants) and refuting,

or

or allowing them within the latitude of the Article, (according to his dealing in the *Remonſtrant Points*) is by no means Candid whether we reſpect Readers, or Candidates for Holy Orders; but to ſupply this defect, if Men will but read well, and conſider the *Caſe of the Regale and Pontificate Stated*, I ſuppoſe there will be *little* Uſe, and *leſs* Efficacy in theſe Crude Maxims of the *Expoſitor*; which I hope he will as *Candidly*, or at leaſt as *Cautiouſly* reform, as he has thoſe in his *Diſcourſe on the Divinity and Death of Chriſt*. In the mean, ſince Men are ſo forward to print the favourable Characters, which great Men paſs upon their Labours, to their great detriment, it is to be hoped, that ſuch Perſons will keep a greater guard upon their Honour for the time to come: For though it be a great bar upon the Modeſty of Opponents, yet Truth will force its way without reſpect of Perſons.

And now I ſhould immediately diſmiſs the Reader from this Preface to the Book, but that I am to remove ſome Prejudices againſt attempts of this Nature for the recovery of our Ancient *Rights*. For my *Obſervator*, whoſoever he is, (as he is Wiſe enough to lie hid) looks upon me as *a Mad-Man*, (forſooth) in wiſhing a Propoſal of my Principles to his Majeſty, whom he would alſo repreſent as ready to throw them off as the *Delirantes of a Crazy Prieſt*: But this I can ſay, that when *Cecropius* in the great Council of *Chalcedon* demanded the *Canons* to be upheld againſt the *Imperial Pragmaticks*, even in Eccleſiaſtical Appendages, and the Council approved his demand, the Imperial Judges did not account *it Madneſs*; but, even by the Emperour's own Judgment, yielded it as neceſſary to the preſervation of the Faith, and ſafety of every Church. (15.) But to come nearer home, much more than I deſire for *this Church* has been granted even to the worſt of *Fanatick Diſſenters*? The Convention in *Scotland* propoſed more for their *Kirk-Synods* than any Epiſcopal Zealot deſires for our *Convocations*, and his Majeſty was not averſe to the Argument they offered, without exacting a critical Proof of their Divine Title, as he is *introduced* demanding the ſame of me. (16.) And the like Argument, no doubt, would have as eaſily paſſed for our *Convocations*, had

(15.) *Part* 2. *Act* 4. —.ὥσπερ τὸ μηδὲ τὴν ὑμετέραν ἐξουσίαν αἰτίασιν παρ' ἑκάστου προσώπου δέχεσθαι, καὶ κάμνειν. μήτε ἡμᾶς σωτείβειν· δεόμεθα ὅπως ἀργῆται ἀναπόῤῥητος τὸ ὅτι βλάβη τῶν κανόνων πραγματικὴ προσχθέντα πιον ἐν πάσῃ ἐπαρχίᾳ, κρατῆσαι τοὺς κανόνας διὰ πάντων· ἕτω γὰρ ἡ πίστις φυλάττεται καὶ ἑκάστη ἐκκλησία ἔξῃ τὸ ἀσφαλές.

(16.) *Some Obſerv.* p. 27.

had our *Convention* tendred it. So that the Propoſal it ſelf is not ſimply *Mad*, but only I have not the ſame Arguments for it which the *Scotch Convention* uſed for the Kirk. But he that ſitteth at the Right Hand of God hath a greater Argument than either of the Conventions, which he requires Prieſts to ſet before Kings, and which Kings *do* not, or *ſhould* not account *Madneſs*, at leaſt ſhould not be repreſented by *Prieſts* as ſo accounting it: For ſure I am, that, had it not been for the ſake of baſe Luſts, and corrupt Intereſts, the Principle would have been as firmly continued as any in the Goſpel. But Impiety and Worldlineſs not enduring to be ſubdued by Prieſtly Methods; firſt bribed off this Power of Godlineſs in the Church of *Rome* and has ſince kick'd it out of Doors in moſt parts of the *Reformation*.

And now what are we to do? Why, in ſtead of attempting an hopeleſs Recovery of theſe Powers, and this Diſcipline, there are other Methods of *Reforming Manners*: God forbid, that any good ſhould be obſtructed in the Reduction of Good Manners; but whatſoever new Schemes are offered, they ought not to obſtruct the Revocation of the Old, but either to ſupply their defect at preſent, or to be ſuper-added to them when reſtored: For after all, till the Eccleſiaſtical Judicatories with all their Sacred Gravity and Force be reſtored according (or as near as may be) to the 37th *Apoſtolical*, and 5th *Nicene* Canon, (which the Catholick Church for ſeveral Ages eſteemed inviolable) Religion can be of little, or no force, nor recommend us much to God's eſpecial Bleſſing. Let Men therefore take as much of the Liberty of the Age as they liſt, in ſcoffing and deriding ſuch aims of Piety; that ought not to deter us. It cannot be unſeaſonable for us to aſſert the Sanctity and Powers of the Church, when every Aſs and Unclean Beaſt is lifting up his Heel againſt Her: For how ſhall we hope, that the Laity will be guided by an Order which they are taught not to revere? Or how ſhall they revere our Powers, if our Fears, or Intereſts will not ſuffer us to aſſert them againſt a popular Profanation? For which cauſe the Wiſe Providences of God do remarkably defeat and humble us: For of Old while we were above the World, the World admir'd and followed us; ſince we have made our Court to it, it juſtly ſcorns and ſnuffs at us. In Truth we have been lead along to ſuch an Obſervance of the *Secular Weather-Cocks*, and

have,

have thereby ſo far ſunk and expoſed our Order by our reliances on the Arm of Fleſh, that being deplum'd of all Authority and Reverence, 'tis to be feared we may in ſome little time be taken for Chargeable *Need-nots*; from the ſad Conſequences of which 'tis not *Cringings*, nor *Compliances*, not *Avarice*, nor *Ambition*, nothing but Miracles of Mercy can defend us. Thoſe that *Trade* and *Huckſter* in Church Preferments, and are upon the Perch, or Purvey, may cry *Peace*, *Peace*, and *Moderation*, and that the *Temple of the Lord is here*, and that no μιαιφονωτερα ἐπῳδη can be pronounced againſt it, no evil happen to us. But what truſt is there in theſe Men's Confidences, when the Publick Impieties drown our Devotions, and not only call at a diſtance, but in a manner force open the Gates of Heaven with their Clamours againſt us, while we have thrown away the Keys thereof entruſted with us, and are content to lodge God and Mammon, together with one Depoſitary.

But if I have been never ſo Senſeleſs in theſe Reſentments, yet I find my ſelf not left alone. The admirable *Defender of the Engliſh Convocation*, and the Wiſe and Learned *Stater of the Caſe of the Regale and Pontificate* ſeem to be raiſed up by Almighty God to awaken and influence the more Prudent and Religious (and ſo the moſt important) Part of the Nation. And as Creation is a Production of things out of Nothing, ſo a new Creation or Reparation in this Point, by God, is not to be finally deſpaired of by any that hope for a general Reſurrection from the Dead. However Prophets were ſent to obdurate People, even when the Publick ſeem'd irreclaimable; that however the beſt part might be ſaved from the common Guilt; and therefore ſuch Pious Attempts, if they prevail not upon *the Publick*, yet may take place and root in the beſt prepared Minds; and what Tendencies ſuch Preliminaries may have to the bettering the State of Poſterity, God only knows, and with him the Iſſues of all our Endeavours are to be left; which that they may be the ſooner, and more entirely Succeſsful, we are to implore God's Mercy to defend the Church from all her Enemies, but chiefly to give us a Law of Relief from the Invaſions of ſuch Wolves, *as* do not only Wear *Sheeps*, but *Sheepherds* Cloathing too.

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The

The DOCTOR's *Nine*
APHORISMS.

1. p. 14, 41, 47, 48, 76.

1. *That under the Dominion of the* Chriſtian Magiſtrate, *the* Church *has no* inherent Right *or* Authority *to convene in* Synods, *but what it derives from the* expreſs Conceſſion *of the* Chriſtian Prince, *for that*

2. p. 84, 85, 136, *to* 139, 286, 338.

2. *All* Synods *are but of* Counſel *to the* Chriſtian Prince, *and entirely in his Hands*; *and ſo*

3. p. 38, 39, 40, 103, 104, 105.

3. *Not any to be ſent to the* Synod, *but ſuch as* he *ſhall allow*, nor

4. p. 79, *to* 83, 107, 110, 112, *&c.* 132.

4. *When Convened*, *to* Sit, Debate, Propoſe, Deliberate, Conclude, *or* Decree *any Matter of* Doctrine, *or* Diſcipline *whatſoever*;

5. p. 44, 53, 54, 71.

5. *Nor in any* Method, Form, *or* Manner *whatſoever*, *ſave what the* Prince *admits*, *and that*

6. p. 81, *to* 86, 133.

6. *The* Prince *may* Ratify, Annihilate, *or* Alter *all their* Acts, *and* Procedures, *or as many of* them *as he pleaſes*, *and*

7. p. 85, *to* 89, 125, 126.

7. Suſpend *the* Execution *of all*, *or any of their* Conſtitutions, *and* Sentences;

8. p. 288.

8. *The* Authority *of their* Acts *being* entirely, *and* only *his*; *and laſtly*

9. p. 77, *to* 79.

9. *That no* Synod *hath* Right *to* diſſolve *it ſelf without the Chriſtian King's* Licence.

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The

THE *Rights, Liberties,* and *Authorities* OF THE Chriſtian Church.

CHAP. I.

Stating the Principal Terms *in Controverſy.*

§. 1. BEing to traverſe the *Drs.* Reaſons, together with the Senſes, Ordinances, and Practices of the Antients; in ſo nice and tickliſh a Diſquiſition, which muſt expect *a ſevere Examination*; I think it expedient firſt of all to ſtate our Notions right and clear concerning the Cardinal Points, and Matters in this Controverſy, which are of three ſorts, 1. The *Terms* on which the Diſpute lies; 2. The *Aphoriſms*, or *Principles* of the *Dr.* concerning the *Subject* in Diſpute; and 3. The *Media*, or *Arguments* by which he endeavours to prove theſe *Aphoriſms*.

§. 2. In order hereunto, the firſt thing, that comes under Conſideration, is the *Subject matter* in Debate between the *Dr.* and me. This I took to be what the *Title Page*, as well as the *Body* of the *Drs.* Book, propoſes; *The Terms of the Subject matter.*

namely, the AUTHORITY of CHRISTIAN PRINCES over ECCLESIASTICAL SYNODS, as to their CONVENTIONS, SESSIONS, and ESTABLISHMENTS. And the *Observator* owns, that the *Dr. spake only of* CHRISTIAN *Princes, because their Right only was the Subject matter here debated, but he does not hereby suppose any new* DEVOLUTION, *or* ACQUISITION *of Authority unto such Princes by their Profession of Christianity*; *and this* Mr. Hill *might, and ought to have seen*, &c. (1.) Now if this be true, then it will be impertinent in this Place to explain the *Christian Character*, as a *Qualification* necessary to *this Authority*, as I had intended. But for my part my Eyes and Senses are so dull, that I cannot yet see it in the *Drs.* Book, nor believe it upon an *anonymous Observator's* Credit. For first, 'tis true, that the *Authority* of *Christian Princes* is the *subject matter* debated. But who set *this Subject*? Not any other Person, (as the *Observator's* words would slily insinuate) whom the *Dr.* herein should be obliged to follow; but the *Dr.* set it first himself. The *Letter to a Convocation Man*, after laying his Principle concerning the *Divine Right* of *Synods*, without respect to *any Princes*, passes immediately to *our Kings* Authority by *common* and *Statute Laws*, and troubles himself with *no other* Princes, *Christian* or *Un-Christian*. But hereupon the *Dr*, to assert a greater Authority in *our King*, First takes into Consideration the Rights of *all Christian Princes*, and that *as such*, upon which he spends his two first Chapters, as being fundamental to his purpose, and therefore principally set in the Title. And this he did in Conformity to the second *Canon* of 1603, and the first of 1640, in which the *Christian Character* is laid as the *proper Qualification* for this Authority. In this matter I am sure I took great care to represent him right; (2.) and upon the utmost of that could not but apprehend *the Right to be acquired by Christianity* in the sense of the Doctor. The *Observator* by his account will make the *Doctor* assert the *nine Aphorisms* of Authority over all Synods to all Princes, as well Heathen, as Christian, (if these Powers are not acquired unto Princes by their Christianity) upon *meer actual Protection*. But had I so charged the *Doctor*, how would this very *Observator* have bellowed at me for a slanderous Impostor? Now I used all possible diligence and sincerity to represent him truly and fairly, I am reproached for a Blunderer. But if I am in a mistake, whose fault

(1.) *Obs.* p. 18.

(2.) M. E. p. 156, 157, &c.

is

is it? Why had not the *Doctor* spoken as he meant? Why did he put a fallacious Gloss upon the matter and dissemble his real Senses? And how at last came the *Observator* so exactly to know this, as to give us this absolute assurance? If it be true, the *Doctor* and he were in concert upon these *Observations*, which are not much to the *Doctor*'s Credit; but if false, he is an Impostor, and the *Doctor* is bound to renounce him as such. Certain it is, that he is the *Doctor*'s Friend, and espouses his Cause and Reputation, as heartily as the *Doctor*; and this would tempt a Man to believe, that the *Doctor* being so irrecoverably baffled out of his Notions in the 9*th*. Chapter of the *Municipium*, was obliged to shift off the matter, and pretend that I mis-apprehended him, and argued impertinently upon that mis-apprehension, as if he had laid the Foundation of this Authority in the Christianity of Princes, as acquired thereby, which he, good Man! never imagined, though he treated of this Authority, *as belonging to the Christian Magistrate, as such*, and to no other. But supposing this to be so, what will be the Consequence? Namely, that this Principle, now owned by the *Observator*, will contradict the *Doctor*'s professed Opinion, that *Synods may meet and act without the Concession of Princes that are of another Persuasion*; (3.) which yet they cannot do, if the *nine Aphorisms* belong as well to a Heathen, as a *Christian* Prince. Here then it had been fair to have produced the *Doctor*'s own Warrant for this Account of the *Observator*, that the Reader might have been secured, and an Adversary known upon what bottom to stand. And I do (what in me lies) require, and oblige the *Doctor* openly to *own*, or *renounce* this Account. In the mean time doubting, and not depending upon the truth of it, I must proceed upon my first Apprehensions, that the *Doctor*'s *Hypothesis* is founded on the *Christian Character* and *Qualification* of Princes. And so, being obliged by my designed Method to explain the *Terms*, that are Principal in this Controversy, and set forth above in the beginning of this Section, I shall first of all begin with that of CHRISTIAN PRINCES.

So did the University-Man exactly know the Soul *of the Bishop of* Sarum *tho' he knew not his* Body.

(3.) *Auth. of Chr. Pr.* p. 266, 267.

§. 3. Now it has been already observ'd, that the *Christian Character* is given either *Properly* to Persons Baptized into, or continuing in the Christian Faith; or *Loosely* to *Hereticks*, and *unbaptized Candidates for Christianity*. (4.) But now we must be more Critically exact herein, in order

The Christian Character.

(4.) M. E. *par.* 1. p. 7.

to a full Information. And first we are to consider the *Character* as given to *Hereticks*. To which purpose we are to observe, that in the Primitive times, some Churches made no inequality, or distinction between *Heresies* herein, but looked upon them all as *Anti-Christian* as *Heathenism* it self, and so reputed their Baptisms altogether *null*, and admitted *all Converts* from *all Heresies* by the *same* forms as *from Gentilism*, after the other necessary preparations Baptizing them into the Catholick Communion, though before Baptized in *Heresy*. Such was the Canon and Practice of the vast Churches of *Africa*, *Cappadocia*, *Galatia*, *Phrygia*, and *Cilicia*. Other Churches past a Distinction, rebaptizing the Converts from *some Heresies*, which they esteemed *altogether Unchristian*, and as bad as *Heathenism*; but admitting others, after Baptism in *other Heresies* esteemed of *less Malignity*, by meer Chrism, or *Imposition of Hands* without *Rebaptization*, the *Heresies* being by such Churches accounted not *wholly* as *Heathenish*, but *partly*, though *corruptly* Christian; the defects and blemish of such *Heretical Baptism*, being to be supplied, and cleansed by such *Chrism*, and *Imposition*. But Persons, that were in an *unbaptized* State of *any Heresy*, were reputed by *all Churches* as in an *Heathen State*, and admitted into the Church by the *same* forms as *Converts from Heathenism*, though perhaps all these Sects of *Hereticks* were *abusively* called *Christian*.

The Equality of Heresies.

The Distinction of Heresies.

Heresies abusively *called* Christian.

§ 4 But as the *Christian Character* has been thus *abusively* given to *Heresies*, and *Hereticks*, so has it *loosely* and *imperfectly* to all *unbaptized Candidates for Christianity*; of which in some Churches there were *three Classes*; the first of *Renunciators* of Gentilism, and *Petitioners* of Christianity; the second of *Catechumens*; and the third of *Audients*; such as heard the Scriptures Read in Churches, standing in the inner part of the *Narthax*, or outer Court of the Church. (5.) All which were *laxly* called *Christian*, as being under a Canonical Preparation to Christianity. So that on supposition, that the *Doctor* still founds

Candidates for Christianity loosely *and* imperfectly *called* Christian.

Of these three Classes, Renunciators, Catechumens, Audients.

5. *Can. dict. 7. Concil. 1. Constantinop. de hæreticis ceu Ethnicis receptis &c.* ὡς Ἕλλησι δεχόμενα, καὶ ἢ πρότερον ἡμέραν ποιοῦμεν αὐτοὺ ΧΡΙΣΤΙΑΝΟΥΣ ἢ ὃ δευτέραν κατηχοῦμεν, εἶτα τῇ τρίτῃ ἐξορκίζομεν αὐτοὺ ——— καὶ ὕτως κατηχοῦμεν αὐτοὺ, καὶ ποιοῦμεν χρηνίζειν ἢ Ἐκκλησίαν, καὶ ἀκροᾶσθαι τῶν γραφῶν, καὶ τότε αὐτοὺ βαπτίζομεν. Vid. *Cl. Bevereg.* Schem. Ichnograph. vett. Ecclesiarum, p. 171. in Annot. in Can. xi. Concil Nicæn. I. *vid. etiam.* Synod. Quin. sext. in *Trull.* Can. 94.

his

his *nine Aphorisms* of Authority on the *Christian Character* of Princes, it must be enquired, in what sense *such Character* in Princes is to be taken, whether *properly*, as it belongs only to Persons baptized *into*, and continuing *in* the Communion of the Catholick Faith and Misteries of the Church; or *abusively*, as it is given to *Hereticks*, or *imperfectly*, as given to *unbaptized Candidates for Christianity*; and if upon this *imperfect* Notion of the *Character*, whether the Authority shall appertain to Princes in *every* of those *three Exterior Classes*, or only in *some one*, or *two* of them? This exactness may be thought too nice; but the Doctor's unaccurateness and promiscuous use of undue instances have made it necessary, as will more fully appear in the consequents.

§. 5. The second *Term* to be explained is that of ECCLESIASTICAL SYNODS, which are *Assemblies of the Hierarchical* or *Priestly Orders in Consult for the Spiritual Conduct of the Church committed to their charge, in affairs or matters Ecclesiastical*. These are of two sorts, *Pure*, and *Mixt*. The *Pure* are such whose Authorities, Affairs, Acts, and Ends are alone and simply Ecclesiastical. The *Mixt* are such as act upon a *Double* Authority, and to *Double* Ends, *i. e. secular* as well as *Christian*. And this *Mixture* is either of *Persons only*, when *Lay-Magistrates* are joined with the *Ecclesiastical Orders*, in consult *only* upon matters *Ecclesiastical*; or of *matters only*, when *Spiritual Orders only* are duly Commissioned to consult as well upon matters *secular* as *Christian*; or of *Persons* and *Matter* also, when both *Lay* and *Spiritual* Powers sit upon matters both *Christian* and *Secular* to be Established by *both* Authorities, to *Spiritual* and *Temporal* Ends and Benefits. This Definition, and these Distinctions I stand by even under *Christian Princes* to be good, though contrary to the Doctor's *Hypothesis*, which admits to Synods no Authority of their own, but what only is *Regal*, and derived from the Prince. I am here well aware that some *Observator* may pretend my Division of Synods into *Pure* and *Mixt*, to be inconsistent with my *Definition*, which only respects the *Pure*. But to obviate this prejudice, I reply; that all the *Purities*, that is, *Spiritual's* mentioned in the Definition are *Essential* to the *Synodical Powers* of the Church, and so must be all found even in *Mixt* Synods to make them *properly Ecclesiastical*. But the Division is not of a *Perfect* form, by which the *Totum* is resolved into its *Essential* or

Synods Pure, and Mixt.

Mixture of Persons only, or matters only, or both Persons and matters.

Integrant Parts; but *Imperfect*, and that by which the Subject is divided according to its *accidents*, ſo that the *admixture* of *ſecularities*, ſometimes *accidentally* made in Eccleſiaſtical Synods, is the cauſe of this *extrinſical* Diſtinction, which therefore cannot be repugnant to the Definition, becauſe the *ſecular mixtures* are but *additaments* to the *Spirituals* but not *excluſive* or *deſtructive* of them. For if a Synod has all its *Spirituals* neceſſary to Conſtitute it *formally Eccleſiaſtical*, the *abſence* or *Addition* of *Secularities* makes no change in the *eſſential Reaſon* or *form* of it.

Authority what.

§. 6. The third *Term* to be explain'd, is that of AUTHORITY, which, when *Publick* and *Rectoral*, properly is, *that Right, which ſome Perſons actually have and enjoy in the Conducts of others.* And this is either *Arbitrary*, and *Extraordinary*, by a mere *Prerogative* of *Dominion*, and *at Pleaſure*, or *Ordinary* under *Obligation* to ſome *certain Office*, and *Duty* of governing the Subject Perſons. And this is neither *Spiritual* over Man's Souls, in that which is called the *Power of the Keys*, or *Secular* over our Bodily intereſt only.

Extraordinary and Ordinary, and this Spiritual and Secular.

Convention by conſent, Invitation, or precept.

§. 7. From theſe *Synods* and *Powers*, paſs we to the *Politie* of them; in which we are to conſider 1. Their CONVENTION, which may be made divers ways, as by *mutual Conſent* of themſelves, or by the *Act* or *Call* of others, which may be either in form of *Invitation* only, or of *Precept*, which laſt only is an Act of *Authority*; and is of two forms, *ſimple*, conſiſting in a *mere command*, or *compound*, with a *menace* annex'd.

Precept ſimple, or compound.

Seſſion Preſidence local and ordinal; Moderation moral, Canonical, Civil.

§. 8. The ſecond Part of *Synodical Politick* conſiſts in their Seſſion, by which I mean not only their *Being* or *ſitting together*, but *all the form of their Proceſs* under whatſoever kinds, or Modes of PRESIDENCE, or MODERATION; of which PRESIDENCE is either LOCAL only, or ORDINAL and PRACTICAL in the prime Conduct of the Procedures; and MODERATION is either MORAL, CANONICAL, or CIVIL; The MORAL conſiſting in *prudential* Corrections, or Directions, the CANONICAL in the *Exerciſe of Spiritual Cenſures*; the CIVIL in *ſecular* forms of enforcement.

Eſtabliſhments, Confirmations comprobatory and Authoritative, theſe Spiritual or Secular, and either ſimple Ratifications, or additional Corroborations.

§. 9. The third Particular in the *Synodical Politick* is its ESTABLISHMENT, namely, thoſe *forms* which gives a *binding force* and *validity* to all their *Acts* and *Proviſions*,

which

which Men commonly call CONFIRMATION; which Term is sometimes of a Sense only of an *honourary* and *recommendatory comprobation*, sometimes *Authoritative*, with Obligation to Obedience under peril of, either a *Spiritual*, or *Secular* Censure; and accordingly such CONFIRMATIONS are either *Spiritual* or *Secular*. Beside, AUTHORITATIVE CONFIRMATIONS are either *single* and *constitutive* of *one simple internal validity*, and which are properly called RATIFICATIONS; or *double* and *consecutive*, that give or add a *further*, and *second validity* and *enforcement* to the *former*, and are *usually* and *properly* called CORROBORATIONS.

§. 10. Upon all which Preliminary Explications, we are to examine to what *Sorts* or *Orders* of CHRISTIAN PRINCES the SYNODICAL SUPREMACY does belong, and what *Sort* of AUTHORITY, and that according to the *divers sorts* of SYNODS in their CONVENTIONS, SESSIONS, and ESTABLISHMENTS, in all which the use of these distinctions will more fully appear hereafter in particulars.

CHAP. II.

Containing a *Compendium* of the Doctor's *Hypothesis*.

§. 1. AFter these Preliminaries, before we descend to Particulars, it seems very expedient to take a general and compendious view of the *Dr*'s. *Hypothesis* in these four Propositions, to which it is reducible, 1. That *with respect to Christian Princes all Ecclesiastical Synods are but of Counsel to them, without any Authority of their own, or elsewhere derived*; 2. That *in respect of the Church they have no Authority but by the Grace of Christian Princes in every Motion, Transaction, Act, Method, and Circumstance Synodical*, and *the same Authority restrainable, alterable, or revocable at the Princes Pleasure*; 3. *That Christian Princes commit their Authority to Synods two way, either by Permission, Leave, License, Allowance, or Consent, or secondly, by Precept or Direction*; 4. *That though Christian Princes have*

The summary of the Doctor's Hypothesis, *in four Propositions.*

these Powers Originally in themselves, yet they may restrain, limit, and demise them to other Depositaries, by their own Act and Deed.

§. 2. Now the first deficiency, that I find in his *Hypothesis*, is, that he has not determined to what *denomination* or *sort* of *Christian Princes* he ascribes his *Aphorisms* of Authority. But if we may gather from his *Historical instances*, and his forms of inference from them, it seems that he attributes them, as well to *unbaptized* and *Heretical* Princes pretending *abusively* or *imperfectly* to the *Christian Character*, as to such as are *baptized* into the Catholick Communion. But whether he intends them to *all sorts* or *classes* of *such* Princes, or *any particular class* of them, he has not let us, nor perhaps himself, know; For that he has set no Rule of Distinction. But since he tells us, that the *Authority of Christian Princes, which he pleads for, is no other, than what the most famous Bishops and Councils have given to their Emperors*, (1.) I do desire him to shew, where these *most famous Bishops* and *Councils* have given, and ascribed as due to *unbaptized* and *Heretical* Princes, *any*, *some*, or all those Powers, which I have from him summ'd up into *nine Aphorisms*, or those that are contained in the *two first Propositions* of his *Principles* here above set, either let this be done, or let the *Dr.* expunge all those *Historical Instances* for *those Powers*, or *any* of them, which he has given in *Unbaptized* or *Heretical Princes*, out of his *Book* and *Plea* for *Prescriptions*, to which *those Bishops* and *Councils* are not found to have given *these* Powers, as being fallacious and unconcluding *Precedents*. When *Papists*, or *Kirkmen* pretend, that all *Imperial* Conventions of Synods were made in *fact* by a mere *Spiritual Concession*, we may then, to the refutation of such general Assertions in *fact*, well instance in *such*, which either *unbaptized*, or *Heretical*, — as well as *Catholick* Princes convened, and guided without License from the *Pope* or *Bishops*; and so many of our Worthies have done against those Parties; but from thence to Arrogate an *universal Power* to *such* Princes over all the Affairs Synodical is not only an unwarrantantable, but a Wild conceit against all manner of Reason *Divine* and *Human*, except there be any *Catholick Recognitions* of such their Rights in any Primitive and Catholick *Archives*; which if the *Dr.* can produce, I am ready to surrender. In the mean time I shall not here allege any particular Objections from the Ancients, which I have for the *Dr.* in

(1.) *Pedec. of App.*

good

good store at their proper Places; but shall at present content my self to demand of him, how he can claim the Testimony of the Catholick Church for such Authorities in such *Heretical* Princes, which either by *all*, or *great Parts* of the Catholick Church could upon their *declared Principles* and *Constitutions* be reputed of no more *Christian Interest* or *Communion* than *mere Heathens*? The *Dr.* has prescribed *some Acts* for *some Parts* of these Powers from *Arian* Princes, some *unbaptized*, others probably *baptized* in *Arianism*. Now they that were in an *unbaptized* State of *that* Heresie, were by the Canons and Discipline of *all Churches* as remote from any *Christian Title*, *Right*, and *Interest* as the *Pagans*; and consequently could have no Authority *Synodical* or *Ecclesiastical* founded in any *Christian Qualification*, which they had not, though perhaps *abusively* called *Christian*. And though those, that were *baptized* in *Arianism*, the *Roman* Church admitted upon Conversion without *Rebaptization*, (2.) according to their *immemorial custom* of admitting most Hereticks so from Prime Ages; and the *Africans*, after the mischiefs consequent upon the *Donatists* Rebaptizations, and the eighth Canon of the Council of *Arles* that sate upon the cause of *Cecilian*, abated their former Rules of *rebaptizing* Persons *baptized* by *Hereticks*; yet it does not appear, that the *Galatian*, *Cilician*, *Phrygian*, or *Cappadocian* Churches altered their *Canons* for *rebaptizing* all Hereticks, (and consequently *Arians*) for which they alleged the 46th and 47th *Apostolical Canons*. Nay, S. *Basil* was expres for it in the *Cappadocian* Churches, though he condemns not the practice of the Church of *Rome*, and others as being *Oeconomical* rather than *Canonical*. (3.) The *Ægyptian*, *Libian* and *Pentapolitan* Churches under the great Dioceſs of *Alexandria*, did altogether repute *Null* the *Baptism* of the *Arians* as *fictitious*, and contributing nothing unto Piety. (4.) And though the *Roman* Church admitted *Arians* to Conversion without *rebaptization*, yet it allowed not *Arian* Princes an Authority of intermedling in matters of the Catholick Church, if the Epistle of Pope *Vigilius* to *Aurelian* be of any Credit in this matter against the *Arian* Kings right in Church matters.

(2.) Siricii. Pap. Epist. ad Himer. Tarracon. c. 1.

(3.) Basil M. *Can.* 1. & 47. ad Amphil.

altogether

(4.) Athanas. con. Arian. *Orat.* 3. πῶς ἐ παντελῶς κενὸν καὶ ἀλυσιτελὲς τὸ παρ' αὐτῶν δίδόμενόν ἐστι; *scil. baptisma.*

(5.) How

(5.) How then can the *Dr.* pretend the Suffrage of all theſe Churches for ſuch a ſtock of Chriſtianity in any *Arian* Princes *unbaptized*, or *baptized* in *that Hereſy*, as a firm and ſufficient *baſis* for ſuch an *Almighty Supremacy* thereupon to them appertaining over Synods Eccleſiaſtical? For in all thoſe Churches, among which *Arian Baptiſm* was taken for a mere *nullity*, there was no *Power Eccleſiaſtical* could be founded on it, any more than on an *unbaptized State* of *that Hereſy*, which had no more *Chriſtian Intereſts* than mere Heathen in the Senſe of all Churches

(5.) Ap. Concil. V. Collat. 7. *filio noſtro Chil. deberto Regi ——— ſupplicare non deſinas ——— ut quia Gothi cum Rege ſuo in civitate Romana perhibentur ingreſſi, hoc eis dignetur ſcribere, ne ſe in Eccleſiæ noſtræ præjudicio, quippe velut alienæ legis, immiſceat. &c.*

§. 3. Well then, if Antiquity be ſo croſs-grain'd and ſullen againſt this *Omnipotency Eccleſiaſtical* of *Heretical* and *unbaptized* Princes; let us try what our own Modern Authorities have determined hereupon. And here it is to be noted, that our Church mentions the Supremacy of *all Chriſtian Emperors, and Kings*, only in two *Canons*, the ſecond of thoſe 1603. and the firſt of thoſe 1640. and that without any *Diſtinctions* of the *Chriſtian Character* into *Parties* or *Claſſes*; which therefore at firſt reading one would be apt to take in one, and the ſame *uſual* and *proper* ſignification of Princes *baptized* into, and *continuing* in the *Catholick* Communion, did not the Inſtances of *Conſtantine* the Great, and ſome few ſuch others (uſually alleged) intercept one. But hereupon it will be neceſſary to diſcuſs more Critically the ſenſe of the Term *Chriſtian*, as Colligible only from the ſtructure of the ſaid ſecond *Canon*. This *Canon* therefore, though it *requires* no *poſitive affirmation* of us, that our Kings *have the ſame Authorities in* Cauſes Eccleſiaſtical *that* Godly Princes *had among the* Jews, *and* Chriſtian Emperors *in the* Primitive Church; yet forbids us to deny it. But what this Authority was, and how far it extended, it determines not. The 37th Article indeed has determined, what we are obliged to profeſs of the Magiſtrates Power, and ſomething like this may be gleaned out of our *Homilies* hereupon. But in all things elſe we are by this *Canon* left to judge of the *Eccleſiaſtical Supremacy* in the *Godly Kings* of the *Jews*, and *Chriſtian Emperors*, every one as we can learn out of the Scriptures, and Eccleſiaſtical Monuments. However in this *Canon* two things are curiouſly to be conſidered; firſt, The *Depoſitaries*, and ſecond, The *Identity* of this Authority. Firſt, then the *Depoſitaries* are the *Godly Princes*

The Senſe of the ſecond Canon.

among

among the Jews, the Christian Emperors in the Primitive Church, and *our own King*. Now in *Jewish Princes, Piety* (viz. as to the Law of *Moses*) is by this *Canon* set as the fundamental *Qualification* of this their Authority, and by Proportion so must *Evangelical Piety* be accounted by the Canon as the *Basis* of such Authority in *Christian Emperors in the Primitive Church*; and so no doubt for *our Kings* like Authority in *ours*. Now how shall we estimate this *Piety*? From the *hearts* of Kings which are indiscernible? Or from their *Actions*, which may not always be sincere, uniform, indeficient, nor subject to any certain Cognizance, to the safe grounding of a PIOUS TITLE? No; but we must pass the *Character* upon the *Publick* and *Canonical Profession* of *true Piety*. Now among the *Jews* the *Canonical Profession* of *legal Piety* commenced in the *federal Rites* of their *initiation* into *that Covenant*, and continued in an *avowed Submission* and *Conformity* to all the Divine Ordinances of that Religion established long before there were any proper Kings in *Israel*. So that no *Male*, or *King* could be *Legally Pious*, that was not *circumcised*. So that by Parallel, the form of commencing *Evangelically Pious*, must consist in our *Baptismal* and *federal Rite* of *Initiation* into *Christ's Body* and *Covenant*; in which State of *Piety* we must all continue by an *avowed Submission* and *conformity* to all God's *Ordinances* in *Christianity*, founded long before there were any *Christian Emperors* in, or over the Church; From which Duty no Kings among the *Jews*, or *Christians* could plead Exemption, if they would continue, and be reputed, *Canonically Pious*. Now that the Ecclesiastical Authority of Synods was of Divine Foundation, long before there were any *Christian Kings* to manage them, is abundantly proved (in spight of all railery) in the eight first Chapters of the *Municipium*, whose Authority therefore (Divinely constituted) no Kings can cassate without ceasing to be *Canonically Pious* in the State *Christian*. Which Interpretation of this Canon, and the inference hence drawn from it, as it will closely affect the *Dr.* on the account of his whole *Hypothesis*, so will it particularly preclude all *unbaptized* and *Heretical* Princes from all pretensions to *this Omnipotency* from the Words of this *Canon*. But here perhaps it will be objected; that our Notion of *Piety* in Princes, as a *Canonical Qualification* for this Authority, is too strait and narrow; for that a *Natural* and *Partial Piety* without *Circumcision* sufficed for that *Supremacy* of the *Persian* Kings over the *Jews* in causes of

Piety of Princes the ground of their Ecclesiastical Supremacy.

the

the *Jewiſh* Religion; their *Piety* conſiſting in reſtoring the Temple, its Veſſels, the Religion, City, and People from deſolation, and this by Prophecy and Direction from God. (5.) Upon which *Artaxerxes* finally and *piouſly* Ordains, *Whatſoever is commanded by the* God of Heaven *let it be diligently done for the Houſe of the* God of Heaven; *for why ſhould there be wrath againſt the Realm of the* King *and his* Sons? (6.) And to this end he gave as large and full Commiſſions to *Ezra* and *Nehemiah*, as it was poſſible for any *Native* King to do. And all this was done by the *Piety* of theſe uncircumciſed Kings, and conſequently founds a *precedent* in *Chriſtianity* for Princes *unbaptized*, and perhaps in *Hereſy* alſo; ſince *Hereſy* is no greater corruption than the *Perſian Idolatries* and *Superſtions* were in thoſe Princes. But to this I anſwer; firſt, that theſe *Perſian* Princes are not intended in the ſecond *Canon*, which ſpeaks only of *Pious Princes apud Judæos, among the Jews*, who were bound to keep a Copy of their Law in order to its entire Obſervation againſt all Idolatries of the Heathen. (7.) For which the *Jew* according to *his* Religion, all Idolaters were unclean and profane, and ſo they could not be denominated *Pious*, how kind and benign ſoever otherwiſe to the *Jewiſh* State, as appears ſtill by their eſpecial Averſions to the very Nations that *ſuccour* and *protect* them, that Worſhip Angels, Saints, and Images. Secondly, This will carry the Authority over cauſes Eccleſiaſtical to *other* Proprietaries than the Canon intended, even to *Mahometan* and *Pagan* Princes, who certainly may, if they pleaſe, be beneficent to the *Chriſtian Church* within their Dominions, and force their Chriſtian Subjects to live by their own Rules (8.) and Principles, and think this pleaſing to their God, and neceſſary to avert his judgments. But the Canon draws no conſequence from the Authority of *Pious* Princes among the *Jews* to any but *Chriſtian* Princes *in the Church*, not to any *Unchriſtian* ones *without* it. From whence I think it muſt be concluded, that the *Canon* had no regard to thoſe *Perſian* Kings, who, though by their mere Right of Sovereignty they had an *Extraordinary* and *Arbitrary* Power, to enforce the *Jewiſh* Religion on the *Jews*, and were by *particular Acts* and *Incitements* of God moved to the *actual uſe* and *Exertion* thereof, upon *this one extraordinary Occaſion*, yet had not that *ordinary Office* continually incumbent on them, as their *Native* Kings had by *Divine Conſtitution*;

(5.) *Eſa.* 44. 28. *Ezr.* 1. 2. *e. Ezr.* 6. *&c.*

(6.) *Ezr.* 7. 26.

Perſian *Princes not intended in the Canon.*

(7.) *Deut.* 17. 18, 19, 20.

(8.) *M. E. Par.* 1. p. 105.

to

to which *ordinary* Authority in *Jewish* and *Christian* Kings the *Canon* only had respect.

The Identity of Ecclesiastical Authority in Jewish *and* Christian *Princes, general, not special.*

Secondly, Examine we the *Identity* of this Authority in such *Pious* Kings among *Jews* and *Christians*; of which we must resolve, not that *Jewish* and *Christian* Princes had in all particular Forms and Instances the same *Specific*, but only the same *general* Powers in Causes Ecclesiastical, *common* upon the *same general* Reasons, and Causes to all *Pious*, *Jewish*, and *Christian* Kings. This appears hence, that *Christian* Princes cannot enforce *Jewish* Ordinances, which yet they might, if a certain Author's Notion be admitted, that *Christian* Kings Act by the very Commission which God gave *Moses*, *Joshua*, and the *Jewish* Kings; (9) which being not abolished by our Saviour, Authorizes the *Ecclesiastical Supremacy* in *Christian* Princes. Whereas, tho' our Saviour (properly speaking) made *no Abolition* of any part of the Law, which determined of it self in all its *positive Ordinances*, (the *Levitical part* in the *death* of *Christ*, and the *political Part* in the *Excesion* of that Nation) the *Royal Commission* of *Jewish Princes*, expired with those Princes to whom it was peculiar, and passed not over unto any other Kings, especially *Christian* Kings, there being an Interval of above 260 Years between the Determination of this Commission in the *Jewish* Princes, and the time of *Constantines* Christianity; and consequently the *Succession*, and *Derivation* (if any such could have been) was broken, and could not revive of it self without an *actual Renovation* from Heaven. But this Man never revolv'd in his THOUGHTS, that this his Notion would bring the Law of *Moses* upon *Christians*, under *Christian* Kings, which the Apostles neither could, or would do; nor that by the same Reason *Christian Priests* should have all the *Temporal Judicatories*, and *Offices in War*, which the *Jewish* Priests had; for our Saviour no more Abolished *these* Powers of the *Priests*, than he did *those* of their *Judges* and *Kings*. That *general* Authority therefore which *Christian* Princes have in common with that which *Jewish* Princes had, they have not from the *Jewish* Kings, as *Successors* to their *positive Commission*, given

(9) Som. Th. on a Convoc. p. 32. *And indeed, if the Commission given by God to* Moses, *and exercised afterward by* Joshua, *and the* Jewish *Kings, and never abolished by our Saviour, does give the same Right and Authority to* Christian *Kings now to call Ecclesiastical Assemblies, as they did, it cannot be denied, that they act also by a Divine Commission.*

ven by God first to *Moses*, then to *Joshua*, and after to them; but from the *fundamental Reasons* of *all civil Government*, which God himself approved by his own Constitutions in *that Theocracy*. Which Authority is not defined by the *Canon*, but by our 37th. Article, by which *we attribute to our Kings that only Prerogative, which we see to have been given always to all godly Princes in holy Scripture, by God himself, that is, that they should Rule all Estates and Degrees, committed to their Charge by God, whether they be Ecclesiastical, or Temporal, and restrain with the civil Sword, all Stubborn, and evil Doers*; i. e. That *this* should be not only an *extraordinary Right* of *Arbitrary Dominion*, but *the ordinary Care*, and *Office*, entrusted with them by God, and this even in Matters belonging to the Religion Established by God, and professed by *such Kings*, which cannot be the *ordinary* Trust, and Care of Princes of *ill* and *foreign* Religions. And therefore, whereas the *Observator*, being unable to support the Drs. *Hypothesis* upon the *Protection* of *Christian* Princes, makes the *Supremacy* equally the same in *all Princes* upon *actual Protection*, and joins me too in this Opinion without my Warrant.

(10.) *Obs.* p. 18. (10.) I must beg his Excuse, for which I have here shewn Reasons, I think sufficiently distinctive.

This Identy not common to Heathen Princes.

But what is all this to the *nine Aphorisms*, which appear not by any Ecclesiastical Recognition, Ancient or Modern, to belong to any the *most pious* and *Christian* Princes, much less to the *Unchristian*, as appears from the monstrous incongruity of an *Heathen Edict*, set forth upon the presumption of those nine Articles of Authority;

(11.) *M. E.* p. 112, &c. (11.) which yet the *Observator*'s Notions will avowedly justify, and for that end he has delivered them, in order to reception. *My Thoughts* (saith he) *are, that the* Princes *being* Heathen *or* Christian *makes no real difference in his* intrinsick Jurisdiction *and* Authority.—*But all* Authority *is given by* God *on a supposition of* Protection *of Innocence and Truth. That therefore, which, in my Opinion, makes the difference, is the* Princes Exercise of Authority. *If he refuses to protect the* Christian Church, *I say with* Dr. Wake, (*yes, and with* Mr. Hill *too*) *that then the* Clergy *must do what they shall find necessary for the Preservation of the Gospel.* ——*But then I must add, that if the* Prince *will* call, *and* License, *and* Protect *and* assist *them, whether the* Prince *be* Christian *or* Heathen, *I am afraid, that it is the* Clergies *Duty to act then in all their* Conventions *with* Submission

to

to his Reasonable Injunctions. This is what he offers against the *Ridiculousness* of the *Heathen Edict* by me framed. (12.) Now suppose I grant all this, what then? Will it follow, that an *Heathen* Prince acting so *kindly*, and having no Authority over the Church but from his *kind Actings*, has all those *Nine Aphorisms* of *restrictive* Authority to act *unkindly* with the Church in denying her any Synodical Use, as a poor forlorn *Outlaw*, that has no Rights of her own, according to the Form of the *Edict*? If upon his *actual Succours* we must submit to his *Reasonable Injunctions*, will this justifie the Powers given by this *Observator* to an Heathen Prince, according to the claims and contents of the *Edict*, which are *oppressive* and *unreasonable*, though under this gloss the *Observator* fain would excuse or recommend them? Why does he not openly own the *Edict* in terms to be congruous to Equity, with that Face that he usually appears in? What must he sneak away from his cause, and content himself to oblige us to the *reasonable Injunctions* of a *Protecting Prince*, while all my Objection is against *unreasonable Powers* and *Injunctions*, and while we must submit to the *Reasonable Injunctions* of the *worst* and most *Oppressive* Princes? The plain point is whether the Powers, mentioned in the *Edict*, do *reasonably* agree to any *Heathen Prince*, on the account of *actual Protection*? This I deny, because a *Power* to *Oppress* cannot be founded in *actual Protection*; and the *Powers* in the *Edict*, allowed to an *Heathen* Prince, would Authorize him to *Oppress* the Church. And let any Mortal fairly and openly assert the contrary, if he dare. Sure I am our Worthies have not allowed the same Intereſt in Matters Ecclesiastical to *Christian* and *Unchristian* Princes, (much less to such an arbitrary Infinity) but charge this Opinion on the *Papists* and *Puritans*, as very odious, (12.) tho' assumed by our *Observator* to quite contrary Ends and Inferences. *The* Papists and Puritans use the Notion to *no* Authority in *any* Princes; *he* to *all* in *all* Princes whatsoever. But supposing a *Power to Oppress* could be founded in a *Power to Protect*, yet could it not in *actual Protection*, on *Supposition*, of which this Man says 'tis given by God: Let the *Exercise* of *Authority*, found a *Right to Submission* to the *Authority exercised*, yet will it not to a *contrary Authority*. So that the *actual Protection*, which is an *Exercise* of a *protectory Authority*, will not found the *nine Aphorisms*

(12.) *Obs.* p. 18.

(12.) *Whitg. Def. of Anſ. to Admonit.* p. 695. 702.

of

of *Authority*, which [in *Heathen* Princes ſurely] are *Oppreſſive*. But, in the *ſame* kind, *actual Exerciſes* of *habitual Powers* are the *Reſults*, not the *Principles* of thoſe Powers, which, if given by God, only on *Suppoſition* of their *actual Exerciſe*, are *ipſo facto*, then forfeited, when not *exerciſed* according to divine Intention; which as it is the moſt rebellious Maxim conceivable; ſo in *our Caſe* it would deprive the King of his Supremacy on every *actual Neglect* of its *Exerciſe*, and then, by this Man's Notions, it would *devolve* to the Church, (13.) which on every ſuch Failure, would be Superior to the King in all Eccleſiaſtical and Synodical Powers and Intereſts.

(13.) *Obſ.* p. 18.

The Notion of mere Counſel *deſtroys the peculiar Title of Chriſtian Princes to the Synodical Supremacy.*

§. 4. But beſides the Deficiency of the *Doctor* in *ſtating* the *Chriſtian Character*, and of the *Obſervator* in *renouncing* it, as the *Qualification* of Princes for their *Synodical Supremacy*, ſo neither has he given any proof of the firſt Propoſition from the *Fathers* or *Councils* of the *Primitive Church*, that *all Eccleſiaſtical Synods within the Dominions of the Chriſtian Princes are to them but of Counſel*. Nor do I ſee how this Maxim agrees with the ſecond Canon of our Church, and thoſe Worthies of ours, that exclude *Heathen Princes* from *this ſame Supremacy*: For if *they are only of Counſel to the Prince*; even *Heathen*, as well as *Heretical*, and *Pious*, Princes have an equal Right to make *this Uſe* of them, eſpecially in advice for the Soul: For as they are *Men*, they have a Right to our Prieſtly Inſtructions; and as *Princes* they have Authority to convene us to that End. And what more Authority has the *moſt Pious Chriſtian* Prince, than an *Heathen*, on this Suppoſition, that *Synods to them are only of Counſel*? Nor can I ſee upon this Notion, but that an *Heathen*, or *Mahometan* Prince, having *Chriſtian* Churches ſubject to his Royal Power, may (if he pleaſes) uſe the *Counſel* of Synods for the civil Benefit of thoſe Churches, as much as any *Chriſtian* Prince can, to Benefit them by *meer* Acts of *Regal* Power paſs'd on the meer Counſel of Synods Eccleſiaſtical; eſpecially ſince the *Doctor* aſſerts even *Chriſtian Princes* free from all Obligation to conſult them, and ſo not under an *ordinary Office* or *Authority* to adviſe with them, any more than *Heathen* Princes. How then upon this Notion can the *Doctor* appropriate the Supremacy any way (*extraordinary, or ordinary*) unto *Chriſtian* Princes?

§. 5.

§. 5. Nor has he any better support for his second Proposition, that all the Authority of Synods over the Church is wholly derived from the *Christian* Prince, and depends entirely on his Pleasure. I will not here urge him with the *Power* of the *Keys*, which, as it is *Authoritative*, and of *Spiritual Validity*, so cannot be derived from *such* Princes. Nor do I challenge the Production of Ecclesiastical Suffrages in the Ancient Ages. At present, I only desire him to reconcile it with the Sense of our 139 *Canon*, which asserts *our Synods to be assembled in Christ's Name, and by the King's Mandate, and to be Representatively the true English Church.* But if *all* their Authority be the *King's*, then ought they to be assembled only in the *King's Name*, not *Christ's*: And in all Acts of Authority over the Church they are the *King's true Representatives*, or (to imitate the *formal wording* of the *Canon*) the *true Representative King* to the *Church*, not the *Churches Representative* to the *King*, or *People*; since with the *Doctor* the Church has no Authority Synodical of her own, but all she has from the King.

The Doctor's Second Proposition, inconsistent with the Power of the Keys, and our 139th. *Canon.*

§. 6. Nor is he more lucky in his *Third Proposition* describing *those Forms*, by which he derives the *supposed Regal Authorities*, from the *Christian Prince* to the *Ecclesiastical Synod*; which are (as is above noted) either *Permissive*, or *Preceptive*, &c. Now to the Right Apprehension of the former, we are to note, that *Permissions* are of two kinds; the one *Negative*, consisting in a bare *non-opposition*, which we in proper use call *Connivance*, the other *Positive*, namely a *concessive Allowance*. Now a *meer Negative Permission* gives no Right. But *Positive Permissions* are of divers *Efficacies*. Sometimes they *create* a Right, where there was none *before*; sometimes they *restore* a Right *before* lost, sometimes they *grant liberty* to the Use of an *antecedent Right*, or *Authority*. Now then, it was not sufficient for the *Doctor*'s *Hypothesis*, for the *Derivation* of these Authorities, barely to allege the Prince's *Permission*, without specifying the *Positive sort* and the *same*, not only *concessive* of *Liberty*, but *creative* of *all Authority*; not only *Permissive* of the *actual Use*, but *Originant* of all the *Habitual Powers* descending from the *Christian* Prince (as the *Fountain*) to the Synods (as the *Ecclesiastical Cisterns*, or *Receptacles.*) But as *This* is necessary to this his *Hypothesis*, so is it inconsistent with his other *Concessions*: For he says, if the *Christian* Prince will not permit the Church those Synods, which her *Necessities* require; the Church has

The Doctor's Forms of deriving Authority from the Prince to the Synod insufficient:

And inconsistent with his other Concessions.

then a Right of *her own* to have, hold, and act Synodically in them. Which then must be, not by an Authority *derived* from the *Prince*, who shuts up his Fountains, and gives no *derivative Permissions*; but from God in a state of *necessary Exigencies*, without the *Concession* of the Prince.

(14.) Auth. of Chr. Pr. p. 43. 267, 268. (15.) *Obs.* p. 18.

(14.) This the *Observator* makes a *Devolution* from the *Prince* to the Church: (15.) But even *this false Notion* will prove in this Case, that the *Synodical Powers* are not *derived* from the *Prince* to the *Church*, and that by *positive Concessions*: For the *Devolution* is founded upon some *Power* and *Constitution* Superior to the Person from whom the Right against his Will *devolves* to another; not in the *Act* or *Power* of the Person from whom the *Devolution* passes. Besides by *Devolution* the *Right* is lost from the *Devolvor* to the *Devolvee*; but in meer *derivation* of Authority from *Superiors* to *Inferiors*, the *Superiors* lose nothing by the *gain* of the *Inferiors*. Now if this be so, then the Prince's *Concession* does not *originally* found the *Radical Principle* of the *Synodical* Authority in the Synod; but supposing it *otherwise* and *elsewhere* originated, gives only *Freedom* and *Impunity* to the *use* of it. Nay, Secondly, the same is to be said, not only of the Doctor's *Directive*, but *preceptive Orders* of Kings. For *Directions*, and *Precepts*, do not alone by themselves, *simply*, and *directly* create a *proper Authority*, or *habit of Power*; (except sometimes *by Accident*, when there was none before) but only require an *actual Exercise* of such *Powers*; as when a Prince *directs*, or *commands* Parents, Tutors, or Masters to *exercise* their respective Authorities in the Regiment of their Children, Pupils, or Servants; which are indeed subject to the *Commands*, and *Directions* of Princes, as to their *Acts*, but not *derived* from them, as to the *Principle*. (16.) So that neither are *Royal Directions*, or *Precepts alone*, full *Proofs*, or *Principles* of Authority conveyed by them unto Synods, but some *Commission* also must be alledged, as *joyned with*, or *imported in* these *Directions*, or *Precepts*, *Originant* of all the *habitual Authority* in the Synods, to act *only in the Name*, and as *Representative* of the Prince, who gave the *Commission* with the *Precept*; which how he will reconcile with his own *Concession*, just now recited, and the 139th. *Canon*, I leave to his Care and Consideration.

(16.) Grot. de Jur. B. & P. l. 1. c. 1. Par. 14. *Jus arctius patens, & ab ipsâ Potestate civili non veniens, quanquam ei subditum, varium est, præcepta patria, dominica, & si-qua sunt similia, in se continens.*

§. 7.

§. 7. The *Fourth*, and *last Proposition*, allows Princes *by their own Act to limit their own Power, by which Synods in some Countreys may have those Priviledges, which they have not in another.* (17.) But this, together with the *Second Proposition*, is of dangerous Consequence. For it will justify all the *Papal Power* over the *Western Churches*; tho' not by the *Divine Charter* of *Tu es Petrus*, &c. Yet upon the *Admissions*, and *Constitutions* of Kings. And how then, upon this Principle of the *Dr's* can we with any face call the *Papal Powers* (Established by *Princes*) *Usurpations* upon *Princes*? The Pretence of *Papal Fallacies*, and *wheedles* will not be sufficient to cessate the *Royal Establishments* procured by them; for if so; then by the same Reason almost all Leagues, publick Compacts, and Constitutions may be voided, as being most times procured by insincere Allurements. Men's *Imprudences* do not *annihilate* their *otherwise lawful Acts* and *Deeds*. And therefore on Supposition of this Power in Princes in the *limitation* of these their Synodical Authorities, the Pope is fairly capable of them by *Royal Settlements* and *Recognitions*, so that after such *Settlements* and *Recognitions* of *Papal Power*, Wars themselves raised in Defence of it, cannot be *Usurpations* in the Sense of impartial Judges. Let the *Dr.* then *upon this Notion* try how he can justify those Notions, which have thrown off the Authority of the *Pope*, Established before by Royal and National Contract for all Generations, without his Consent? Nations, 'tis true, may Repeal the *Acts* and *Laws* of their *Predecessors*, which concern *themselves only*, by their *own Will alone*; but not *perpetual Contracts* with *foreign Powers* without *their Consent* also. After a *legal Establishment* of *Papal Power*, you may refuse his *farther Encroachments*, and disobey his *sinful Injunctions*, and suffer his *Persecution* for so doing; but how can you *abrogate* his *established Power* upon the *Doctor's* Principles? For my own part, I can see no just Defence against the *Papal Supremacy* upon the *Doctor's* Notions; and I fear you can justify the *Abrogation* of *his Power* upon no other bottom, but the *Divine Right* of *Liberty* in *particular Churches*, and *their Synods*, and the *equal Divine Authority* of *Bishops* in the *Conduct* of them, tho' the *Dr.* and his Party account these *Popish Tenets*, and their Abetters *Proctors* for *Popery*. The lodging all in Princes, and confounding the *ever-distinct* Notions of *Church* and *State*, will not, I fear, relieve us against the *Authority* and *Danger* of the *Pope*, but promote it rather. Princes have

(17.) *Auth. of Chr. Princes*, P. 95.

The Doctors Notion of the limiting Power of Princes justifies the Pope's Supremacy, and condemns its Abrogation after legal Settlement.

then a Right of *her own* to have, hold, and act Synodically in them. Which then muſt be, not by an Authority *derived* from the *Prince*, who ſhuts up his Fountains, and gives no *derivative Permiſſions*; but from God in a ſtate of *neceſſary Exigencies*, without the *Conceſſion* of the Prince.

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(15.) *Obſ.* p. 18.

(14.) This the *Obſervator* makes a *Devolution* from the *Prince* to the Church: (15.) But even *this falſe Notion* will prove in this Caſe, that the *Synodical Powers* are not *derived* from the *Prince* to the *Church*, and that by *poſitive Conceſſions*: for the *Devolution* is founded upon ſome *Power* and *Conſtitution* ſuperior to the Perſon from whom the Right againſt his Will *devolves* to another; not in the *Act* or *Power* of the Perſon from whom the *Devolution* paſſes. Beſides by *Devolution* the *Right* is loſt from the *Devolvor* to the *Devolvee*; but in meer *derivation* of Authority from *Superiors* to *Inferiors*, the *Superiors* loſe nothing by the *gain* of the *Inferiors*. Now if this be ſo, then the Prince's *Conceſſion* does not *originally* found the *Radical Principle* of the *Synodical* Authority in the Synod; but ſuppoſing it *otherwiſe* and *elſewhere* originated, gives only *Freedom* and *Impunity* to the *uſe* of it. Why, ſecondly, the ſame is to be ſaid, not only of the Doctor's *Directive*, but *preceptive Orders* of Kings. For *Directions*, and *Precepts*, do not alone by themſelves, *ſimply*, and *directly* create a *proper Authority*, or *habitual Power*; (except ſometimes *by Accident*, when there was none before) but only require an *actual Exerciſe* of ſuch *Powers*; as when a Prince *directs*, or *commands* Parents, Tutors, or Maſters to *exerciſe* their reſpective Authorities in the Regiment of their Children, Pupils, or Servants; which are indeed ſubject to the *Commands*, and *Directions* of Princes, as to their *Acts*, but not *derived* from them, as to the *Principle*. (16.) So that neither are *Royal Directions*, or *Precepts alone*, full *Proofs*, or *Principles* of Authority conveyed by them unto Synods, but ſome *Commiſſion* alſo muſt be alledged, as *joyned with*, or *imported in* theſe *Directions*, or *Precepts*, *Originant* of all the *habitual Authority* in the Synods, to act *only in the Name*, and as *Repreſentative* of the Prince, who gave the *Commiſſion* with the *Precept*; which how he will reconcile with his own *Conceſſion*, juſt now recited, and the 139th. *Canon*, I leave to his Care and Conſideration.

(16.) Grot. de Jur. B. & P. l. 1. c. 1. Par. 14. *Jus actibus paſſis, & ab ipſâ Reſtitute civili non exciens, quinquam ei ſubditum, variam eſt, præcepta patria, dominica, & ſigna ſunt ſimilia, in ſe continens.*

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(17.) *Arth. of Chr. Princes*, P. 95.

The Doctors Notion of the limiting Power of Princes justifies the Pope's Supremacy, and condemns its Abrogation after legal Settlement

parted with their *Principalities* and *Dominions* to the *Pope*, and made him a *temporal Lord* in Devotion to St. *Peter*; why may they not by a like Devotion ſurrender up all their *Eccleſiaſtical Cares*, *Government*, and *Powers* to *his* Chair? Nay, here is yet a more dreadful Conſequence, it makes the *Synodical Powers* alienable by the *Sword*, and the *Laws* and *federal Conſequences* of War. Inſomuch, that if any victorious Power ſhould give us over to the *Pope* in all our *Synodical* and *Eccleſiaſtical* Intereſts, as well as *Temporal*, all will be right upon theſe Maxims. For if the *Eccleſiaſtical* and *Civil* State be the *ſame*, and the *Eccleſiaſtical* Powers follow the *Civil*, the *Pope* is capable of all by *human Contracts* and *Alienations*; nay, the very *Turk* by the *ſame* Reaſon. So that they, that lodge all Church-powers in ſuch a *Tenure* of the *Prince*, have laid a Foundation for *Papal* Supremacy, and are bound by their Principle to own it where civilly Eſtabliſhed.

The Diſtinction of Powers, Spiritual and Secular.

§. 9. But in order to right Notions and Conceptions in the Doctrine of *Supremacy*, to be laid as Fundamentals to the following Diſcourſe, I think it neceſſary to propoſe an *abſtract Scheme* of both Powers, *Spiritual* and *Temporal*, and the *Forms* of *Tenure* by which their *reſpective Depoſitaries* hold and exerciſe them. *Firſt*, Then that *Polity*, or *Society*, which is Governed by *Spiritual Powers*, is the Church of Chriſt, the Kingdom of God here upon Earth; in which the *Powers Hierarchical* were by Chriſt Eſtabliſhed over *Men's Souls* by *Conſecration* of the Holy Spirit, to *bind*, and to *looſe*, *remit*, and *retain on Earth*, by Sentences and Acts to be effectually ratified *in Heaven*. This is the perpetual Senſe and Notion herein of the Catholick Church, from the Primitive to all ſucceeding Ages hitherto. The *Temporal Power* of the *Sword* is God's Ordinance, but by a *common Providence* for our *outward Security* and *Conduct*; the Acceſſions whereunto are not always by means *laudable* or *innocent*, much leſs *Sacred*, and by the Spirit of God.

Governour not Proprietaries, but only Truſtees of their Reſpective Authorities.

The Polities thereof are *but Kingdoms of this Earth*; and their Ordinances and Judgments are enforced only with *ſecular Coercions*. Now, both theſe Powers, being of *God's original Property*, are by him diſtinctly given to two ſet Orders of Men, not as *Proprietaries* in *their own abſolute Right*, but as *Stewards* and *Depoſitaries*, *Delegates*, and *Vicegerents*; who therefore are both obliged not to uſurp upon one anothers Offices to the Violation of his Ordinances; but are bound to Rule, and to Obey, according

to

God's Constitution. The *Hierarchy* is to *Govern*, and *Guide*, and *be obeyed* by all *Lay-Christians* whatsoever, in *all parts* of *Christian Religion*, and *Discipline*, in order to the *Salvation* of their *Souls*, without *Exemption* of any *Persons*, since these *Methods* of *Salvation*, equally concern *all Men's Souls*; from which therefore 'tis no *Priviledge*, but a *Curse* to be *Exempt*. The *civil Magistrate*, is to manage the *secular Authority*, lodged in him by God's Ordinance, to which all *Persons*, *Ecclesiastical*, as well as *Temporal*, *Clergy*, as well as *Laity*, are to be Subject without *Exemption*, *not only for fear*, *but also for Conscience sake*. But in order to a just Regularity herein, it is fundamentally necessary, that all *Governours*, and *Subjects*, *Spiritual*, and *Secular*, should act (as they are bound) upon this Principle; *the Governours are God's Vicegerents*, *not original Proprietaries in their Powers*. This would prevent *Usurpations* between the two Powers, if they reputed them *not their own*, but *God's*; there would be no *Tyranny*, but *Care* toward Subjects upon this Faith; Disobedience would not be punished in cruel Forms of personal Revenge; nor would Subjects be tempted to think ill of, or repine at the Goverment of their *Superiors*, acting, *not* on their own *Personal* Intereſt, but *God's* Service, not in *Dominion*, but *Charity* towards Mankind; and by this Principle, publickly own'd, every Man's Conscience would be best kept in due Order. Neither *Priests*, nor *Kings* would exalt themselves, nor contend for *Dominion*, one over the other, or make their *respective Authorities* Matter of *Arrogance*, and *Contention*, as has too deplorably been done, since *secular Pride* has corrupted the State of Christianity. Yet to the Preservation of Peace, and Order; it is necessary all Authorities should be secured against Contempt; and therefore their Dignities, asserted in order to due Reverence. And, First, the *Secular* Powers are not in any danger of being despised, not only because the worldly Splendor, and Glory of them dazles the Eyes, and raises the Admiration of the Multitude, and the Affectations of the Ambitious; but because they have the Instruments of Terror in their Hands to vindicate themselves from all Contempt, by Just, Dreadful, and exemplary Severities. But the *Spiritual* Powers running counter to all sensual Appetites, and the Designs of Hell, are for that Reason liable to all possible Malignities, and for want of *temporal Glory* and *Dominion*, to Contempt; in

which caſe it is not only *allowable*, but *neceſſary* to imitate the Apoſtle in *magnifying our Office*; not in order to ſupport *our Pride*, but Repreſs the Inſolence of *others*. And therefore, to ſuch as exalt the *Secular Authorities*, not to juſt Ends, as they ought, but to the Depreſſion and Extinction of the *Spiritual*, it is neceſſary to compare them in the Abſtract, and that according to the Catholick Senſes of the Church of God, from the firſt, to ſucceeding Ages, from whence we ſhall find, that the *Sacred* were eſteemed above the *Secular*, and the *Seculars* obliged to Obedience toward their *Spiritual* Paſtors in all Matters, purely *Chriſtian*, and affecting the *Soul*. This Conſideration it was that induced me to Cite *Gregory Nazianzen* to this purpoſe in Greek, (18) not ſurely in vain Oſtentation of the Language, but to ſpare Men's Ears, that cannot bear ſuch generous Truths with Patience. Yet now I will not fear to Tranſlate it. *Let us*, ſaith he to the Citizens of *Nazianzum*, *be ſubject to* God, *and to* each other, *and to the* Rulers *upon Earth*. *To* God *upon* all accounts; *to* each other *for* Brotherly Love; *to the* Rulers *for* good Order; *and this ſo much the more, as they are more mild and benign.*——*Now, this is one of our Laws, nay, even of the moſt laudable, and moſt excellently conſtituted by the* Spirit, *which compared the* Poſſibility *with the* Excellency, *and Eſtabliſhed it for a* Law, *that* Servants *ſhould obey their* Lords, Wives, *their* Husbands, *and the* Church, *our* Lord, *and* Diſciples, *their* Paſtors *and* Teachers, *and ſo to be ſubject to all the* higher Powers, *not only for* Wrath, *but alſo for* Conſcience *ſake*. Then to the Governour and the Magiſtrates; *admit*, ſaith he, *my freedom of Speech*; *the* Law *of* Chriſt *hath ſet you under my Power and Tribunal*; *for* we (Biſhops) *alſo Rule*; *nay, I will add with* a greater *and more* perfect *Government, except the* Spirit *ought to truckle under the* Fleſh, *and* heavenly Things *to* Earthly. *Admit this Freedom*; *I know you*, Governor, *to be a ſacred Sheep of my ſacred Flock*. And here it is to be noted, that this holy Orator uttered not this out of *Ambition*, or *Contention*; (from which he was moſt remote of all Men living) but in the moſt pious and charming Charity; not to Controul but to mitigate and ſoften the incenſed *Governor*, letting him decently remember, that *Magiſtrates* were as ſubject to *Biſhops* in Matters, *Chriſtian*, as *Prieſts* were to Magi-

(18.) *M. E.* p. 162. 163. *Note, that it is in his* 17*th. Orat.* πρὸς τὸν Πολίσδομ *not in the* 3*d.* Irenic, *as by miſtake I had ſet it.*

Let my Maſter of ſome Thing think of this, to right his Declarative Notions of the Keys.

Magistates in Matters *Civil*. To this of *Nazianzen*, let me add that of *Constantine the Great*, to this purpose, tho' alledged by the *Dr.* to a quite contrary one, in which he very mildly told the Bishops, that *they were* Bishops *in things* within *the Church, but he might well be reputed as a* Bishop *Constituted by God over things without the Church.* (19) On which, says Dr. *Wake, Synods were the chief things, of which the Emperor spake.* What? As having the *Episcopacy within* the Church? That indeed is true, but nothing, nay, contrary to the *Doctor*'s Design. But were they the chief things, that *without* the Church the proper Subjects of his *Imperial*, and *exterior Episcopacy*? Are Synods, and their Affairs, things *without* the Church? If not; then *Constantine* owned *no Episcopacy* over *them*: And let the *Dr.* prove them *without* the Church, if he can. But 'tis notorious, that he renounces all things Ecclesiastical to the Hierarchy; all things else he challenges to his own Care. And happy had he, and the Church of God been, if the *Arians* had not wheedled him into a Transgression of this his own most safe and certain Rule. Accordingly, *Paulinus*, Bishop of *Triers*, *Lucifer* of *Sardinia*, and *Dionysius* of *Milan*, advised *Constantius*, *not to corrupt Ecclesiastical Matters, nor to intermix the Roman Empire with the Constitution of the Church.* (20. And that great *Hosius*, who long held out against *Constantius* his Tyranny, freely Admonishes him thus; *Interpose not your self into* Ecclesiastical Affairs, *nor direct* us *concerning* these things; *but rather* learn *you* them *from us.* God *has given to you an* Empire; *but has committed to us the* things of the Church; *And as he that should treacherously seize on your* Empire, *would oppose* God *that Constituted you; so fear you, least you incur a great Guilt by drawing* Ecclesiastical Matters *to your self. It is written,* Render ye to *Cæsar*, the things that are *Cæsar*'s, and to *God*, the things that are *Gods. Wherefore it is not lawful for us to* Reign *upon Earth, nor have you, O Emperor,* Authority to Sacrifice. (21.) Where by *Sacrificing*, he means not only Administration of the Sacraments, (for such an Attempt *Constantius* never made) but the *Ecclesiastical*, nay, *Synodical Conduct*, in which *Constantius* so much bestir'd himself, to

(19) Auth. of Chr. Prin. p. 11, &c. Euf. vit. Const. *l.* 24. *c.* 14. *See M. E. p.* 167. Pref. to App. *p. xxii. and* Lett. in Repl. to App. *p.* 48.

(20.) *This is the Translation of the Greek in M. E. p.* 161.

(21.) *Vid. M. E. ibid* & 162.

which case it is not only *allowable*, but *necessary* to imitate the Apostle in *magnifying our Office*; not in order to support *our Pride*, but Repress the Insolence of *others*. And therefore, to such as exalt the *Secular Authorities*, not to just Ends, as they ought, but to the Depression and Extinction of the *Spiritual*, it is necessary to compare them in the Abstract, and that according to the Catholick Senses of the Church of God, from the first, to succeeding Ages, from whence we shall find, that the *Sacred* were esteemed above the *Secular*, and the *Seculars* obliged to Obedience toward their *Spiritual* Pastors in all Matters, purely *Christian*, and affecting the *Soul*. This Consideration it was that induced me to Cite *Gregory Nazianzen* to this purpose in Greek, (18) not surely in vain Ostentation of the Language, but to spare Men's Ears, that cannot bear such generous Truths with Patience. Yet now I will not fear to Translate it. *Let us*, saith he to the Citizens of *Nazianzum*, *be subject to* God, *and to* each other, *and to the* Rulers *upon Earth*. *To* God *upon* all accounts; *to* each other *for* Brotherly Love; *to the* Rulers *for* good Order; *and this so much the more, as they are more mild and benign.*——*Now, this is one of our Laws, nay, even of the most laudable, and most excellently constituted by the* Spirit, *which compared the* Possibility *with the* Excellency, *and Established it for a* Law, *that* Servants *should obey their* Lords, Wives, *their* Husbands, *and the* Church, *our* Lord, *and* Disciples, *their* Pastors *and* Teachers, *and so to be subject to all the* higher Powers, *not only for* Wrath, *but also for* Conscience *sake*. Then to the Governour and the Magistrates; *admit*, saith he, *my freedom of Speech*; *the* Law *of* Christ *hath set you under my Power and Tribunal*; *for* we (Bishops) *also Rule*; *nay, I will add with* a greater *and more* perfect *Government, except the* Spirit *ought to* truckle *under the* Flesh, *and* heavenly Things *to* Earthly. *Admit this Freedom*; *I know you*, Governor, *to be a sacred Sheep of my sacred Flock*. And here it is to be noted, that this holy Orator uttered not this out of *Ambition*, or *Contention*; (from which he was most remote of all Men living) but in the most pious and charming Charity; not to Controul but to mitigate and soften the incensed *Governor*, letting him decently remember, that *Magistrates* were as subject to *Bishops* in Matters, *Christian*, as *Priests* were to Magi-

(18) *M. E.* p. 162. 163. *Note, that it is in his* 17*th. Orat.*

τοῖς τοῦ Πολιτικοῦ *not in the* 3*d.* Irenic, *as by mistake I had set it.*

Let my Master of some thing think of this, to right his Declarative Notions of the Keys.

Magistates in Matters *Civil*. To this of *Nazianzen*, let me add that of *Constantine the Great*, to this purpose, tho' alledged by the *Dr.* to a quite contrary one, in which he very mildly told the Bishops, that *they were* Bishops *in things* within *the Church, but he might well be reputed as a* Bishop *Constituted by God over things without the Church.* (19) On which, says Dr. *Wake, Synods were the chief things, of which the Emperor spake.* What? As having the *Episcopacy within* the Church? That indeed is true, but nothing, nay, contrary to the *Doctor*'s Design. But were they the chief things, that *without* the Church the proper Subjects of his *Imperial*, and *exterior Episcopacy*? Are Synods, and their Affairs, things *without* the Church? If not; then *Constantine* owned *no Episcopacy* over *them*: And let the *Dr.* prove them *without* the Church, if he can. But 'tis notorious, that he renounces all things Ecclesiastical to the Hierarchy; all things else he challenges to his own Care. And happy had he, and the Church of God been, if the *Arians* had not wheedled him into a Transgression of this his own most safe and certain Rule. Accordingly, *Paulinus*, Bishop of *Trier*, *Lucifer* of *Sardinia*, and *Dionysius* of *Milan*, advised *Constantius*, *not to corrupt Ecclesiastical Matters, nor to intermix the Roman Empire with the Constitution of the Church.* (20. And that great *Hosius*, who long held out against *Constantius* his Tyranny, freely Admonishes him thus; *Interpose not your self into* Ecclesiastical Affairs, *nor direct* us *concerning* these things; *but rather learn you* them *from us.* God *has given to you an* Empire; *but has committed to us the* things of the Church; *And as he that should treacherously seize on your* Empire, *would oppose* God *that Constituted you; so fear you, least you incur a great Guilt by drawing* Ecclesiastical Matters *to your self. It is written,* Render ye to *Cæsar*, the things that are *Cæsar*'s, and to *God*, the things that are *Gods. Wherefore it is not lawful for us to* Reign *upon Earth, nor have you, O Emperor,* Authority to Sacrifice. (21.) Where by *Sacrificing*, he means not only Administration of the Sacraments, (for such an Attempt *Constantius* never made) but the *Ecclesiastical*, nay, *Synodical Conduct*, in which *Constantius* so much bestir'd himself, to the

(19) Auth. of Chr. Prin. p. 11, &c. Euf. vit. Const. *l.* 24. *c.* 14. *See M. E. p.* 167. Pref. to App. *p. xxii. and* Lett. in Repl. to App. *p.* 48.

(20.) *This is the Translation of the Greek in M. E. p.* 161.

(21.) *Vid. M. E. ibid &* 162.

the damage of the Church. So St. *Ambroſe*; *ſee how much worſe the* Arians *are than the* Jews. They *asked* Chriſt, *whether he thought it lawful to pay Right of Tribute to* Cæſar; *theſe* Arians *will give to* Cæſar *the Right of the* Church.——*Tribute is* Cæſar's, *'tis not denied*; *the Church is* God's, *and therefore ought not to be aſſigned to* Cæſar; *becauſe the Temple of* God *cannot be* Cæſar's *Right. Which ſaying no Man can aſſert to the contrary to* Cæſar's *Honour. For what is more* Honourable, *than that the* Emperor *ſhould be called the* Son of the Church? *Which ſaying is ſpoken* without Offence, *nay, 'tis ſpoken* with Grace; *for a good Emperor is* within *the Church, not* above *the Church*; *for a good Emperor ſeeks the help of the Church, not refuſes it.* Again, elſewhere; *I am dealt with by* Counts *and* Tribunes *ſpredily to deliver up the Church*; *they affirming that the* Emperor *did but claim his* Right, *becauſe all things were in his Power. I anſwered, that thoſe things which are* Divine, *are not ſubject to the* Imperial Power. *And to the* Emperor, *it is alledged, that all things are lawful to the* Emperor, *that all things are* his; *I anſwer, do not load your ſelf, O* Emperor, *that ſo you ſhould think your ſelf to have any* Imperial Right *over things that are* Divine. *Do not lift up your ſelf*; *but if you will Reign the longer, be* Subject *to* God. Palaces *belong to the* Emperor, Churches *to the* Prieſt; *the Power of the* publick Walls *is committed to you, but not of the* Sacred. (22.) To theſe Paſſages by me cited in their original Languages, juſt after the laſt Section of the 10th. Chapter, to Prove chiefly the Contents of that Section, that *Heretical* and *Perſecuting Princes* have no proper Authority to manage Synods to the Damage of the Church, the *Dr.* oppoſes in a Marginal Reference. *Bp. Jewel Def. of Apol.* p. 590. 605, *&c. Bp. Bilſon true Difference between Chriſtian Subject, and Unchriſtian Rebellion*, p. 164. 179, 182, 184, 186, 200. *Archbiſhop Whitgift Def. of Anſ. to Admonit. Fol.* 700. *Bp. Andrews, Tortur. Tort.* p. 169. 170. But wiſely quotes not one *expreſs word* out of them. (23.) Whereas There (what in me lies) charge the Reader to examine the *places* together with their *Contents*, that he may ſee, that theſe great Men all own the Truths of that laſt Section. and confeſs the places, by me cited, do prove the ſame. I am no Judge of our *Doctor's* Integrity therefore herein; but I wiſh he could reconcile this Sect and reſerved way of Paginal Reference, (to the beguiling his Rea-

(22.) *Tranſlated from* M. E. P. 164. 165.

(23.) Pref. to Anp. p. xvii.

Reader to a Belief that those Worthies have contradicted me) with that Integrity, for which he *is*, and ought to *be* so much concern'd. But I farther add, that tho' I grant to those Worthies, that these places were designed against *Imperial Oppressions*, and consequently against the *nine Aphorisms*, which is sufficient to my purpose; yet they do contain several Expressions, that flatly oppose all *Imperial Intermixtures* and *Authorities*, simply; and do not mention any Tyranny, but only *Secularity* and *Laicism*, as the Reason of the *Incapacity*. And so make such Interposition of the secular Power (*dissemiente Ecclesia*) to be in it self *Tyrannical*. Great Contests I know are made upon these Passages, and all possible *Acuteness* shewn in the Forms of Reasoning; but we may as soon efface the Light of the Sun, as the simple and incorruptible Sense and Perspicuity of them, to the purpose for which I produced, and do now produce them. From St. *Ambrose*, proceed we to the Sense of a like great and zealous Bishop of the *Greek* Church, St. *Chrysostom*, who abounds in Senses and Expressions of this Nature. He tells us that *the* Priesthood *is as much above* Royalty, *as the* Spirit *is above the* Flesh; (24.) and so exactly agrees with *Nazianzen*. *That* Flavian, *Bishop of* Antioch, *was a* Ruler, *more Reverend than the* Emperor *Theodosius*; *for that the sacred Laws have submitted the Head of the* Emperor *to the Hands of the* Bishop.——*The* Bishop *hath a Sword also, not one of* Iron, *but that of the* Spirit.——*His Armour is more Glorious, his Weapons more August, his Authority is greater, his Power more*; (25.) *that he that is invested with the* Priesthood, *has a* greater Trust *or* Authority *than he that wears the* Purple; *and that he that wears the* Diadem, *was to have no more Respect with the* Bishop, *than the meanest, when he is to be canonically Corrected.* (26.) Much of this Strain he has upon *Uzziah*'s Invading the Priesthood. *He affected somewhat more August than his own Dignity, thinking that because he was a* King, *he had* Right *also to Execute the* Priestly Office. *Wherefore he rushes into the* Holy of Holies, *notwithstanding the* Prohibition *of the* Priest; *but while he would Usurp an* Honour, *greater than his own* Dignity, *he fell from that* Royalty, *which he had.* (27.) *When he had lifted up his Spirits above his own Dignity, he invaded the* Power *of the* Priesthood. (28.) *Being* King, *he Usurp'd the* Authority *of the* Priest. *I will*, saith he, *burn* Incense, *because I am Righteous. But I pray, abide within your own Bounds*; *for*

(24.) *De Sacerdot. Ser.* 3.

(25.) *De Peregrin. Flavian. ad Theod. Imp.*

(26.) *Chry. con Gentil de Sancto Babyl.*

(27.) Chrys. *in* Esa. *c.* 6. *v.* 1.

(28.) *Id. Hom.* 3. *de verb.* Esa. *vid. Dom.*

for the Bounds of the Regal *and* Prieſtly *Power are different*; *for* this *is greater than* that. *For the* King *hath the Adminiſtration of* things Earthly, *but the* Prieſtly Authority *deſcends from* above. *Whatſoever ye ſhall* bind *on* Earth, *ſhall be* bound *in* Heaven *alſo. The Things of this World are committed unto the* King, *but heavenly Things to* me, *I mean to the Prieſt.*———Bodies *are committed to the* King, Souls *to the* Prieſt; *the* King *remits Faults unto* Bodies, *but* Prieſts *unto* Souls,———*The King hath* ſenſible *Arms, the Prieſt* Spiritual; *the* King *Wars againſt the* Barbarians, I *againſt* Devils. *This is the greater Principality. For which Cauſe the* King *ſubmits his* Head *to the* Hand *of the* Prieſt.———*I ſpeak this not to exaſperate Kings, but only to inform thoſe that are Drunk with Arrogance and Rage, that* Prieſthood *is greater than* Royalty. (29.) *The* Prieſthood *is a Principality*, greater *and more* venerable *than a* Kingdom. *For the* Regal *Throne ſeems wonderful to us, becauſe of the* Jewels, *and* Gold thereof; *yet the* King *only enjoys the Adminiſtration of* earthly Things;———*But the Throne of the* Prieſt *is placed in* Heaven, *and he hath* Authority *to determine of* heavenly Things. Heaven *takes its principal Authority from* Earth. *For the* Judge *ſits on* Earth; *the* Lord *followeth his* Servant; *and whatſoever the* Servant *judges here below, that the* Lord *Ratifies above. Therefore the* Prieſt *ſtands intermediate between* God *and* human Nature, † *bringing down the Benefits of Heaven to us, and offering our Petitions unto Heaven. And therefore* God *hath ſubmitted the* King's *Head to the Hands of the* Prieſt, *teaching us that the* Prieſt *is the* greater Ruler, *ſince the* leſs *is bleſſed of the* Greater. (30.) Nor may we think this Arrogance. 'Tis what *Pious Emperors* had before well underſtood, and owned. For upon the Senſe hereof the godly Emperor *Valentinian* [the firſt] ſpeaks to the Synod, Aſſembled for the Conſecration of a Biſhop at *Milan*, upon the Deceaſe of *Auxentius*; *You, as Educated in the divine Oracles, know what manner of Man he ought to be, that is Entruſted with the* prieſthood; *place ye therefore ſuch a one in the Epiſcopal Chair, to whom we* Emperors *may bow down our Heads ſincerely, and may admit his Reproofs as healing Medicines, ſince being* Men, *we muſt of neceſſity offend.*

(29.) *Hom.* 4. *in ead. verb.*

† Greg. Naz. Carm. de Reb. ſuis de Patre ſuo ita loquitur.——Μωσῆς κέθ', ὅπως Ἀαρὼν, Μεσσηγὺς μιέζπων τε καὶ ἀθανάτοιο θεοῖο Ἑστηὼς, καθαρῆς τε πλέσμασι καὶ θυέεσσιν Ἡμπέρεσις, οἵδέ τε θυητὸν ἐόντα νεὸς ἔρδοντιν ἀγνὸς, Θνητῶν, ἀθανάτων τε θεὸν μέγαν εἰς ἐν ἀγείρων.

(30.) *Hom.* 5. *in ead. verb.*

(13.) Up-

(31.) Upon which the Synod permitted the Election to him; but he refused it, was an Attempt too great for him, and *fitter for them who were Sanctified with the divine* Grace, *and* Light. Upon such Principles and Authorities St. *Maximus* (the Abbot and Martyr) sticks not to oppose the contrary Pretensions in his Conference with the Princes of the *Monothelite* Emperor *Constans*. The *Popes* and *great Bishops*, had (upon Favours obtained to the Church from *Emperors*) magnified them for a *Priestly* (as more Honourable than a *Regal*) Affection to the Church; nay, and in that Sense, call'd them *Priests*, as an *higher Character* and *Complement*. Upon this Princes had begun to take them at their Word, and challenged to themselves the *Priestly Character* and *Authorities*. These *Constans* his Princes Arrogated to him; and asked *Maximus*, *if the* Emperor *were not a Priest?* The Saint resolutely replyed; *he is not. For he stands not at the Altar, nor after the Consecration of the Bread, doth he lift it up, saying*, holy Things for the Holy; *neither doth he Baptize nor Consecrate the* Chrism, *nor make* Bishops, Priests, *or* Deacons, *nor Consecrate* Churches, *nor carry the* Tokens *of* Priesthood, his Tippet, *and the* Gospel, *as he does the* Crown *and* Purple *of the* Empire. The Opponent objected; *and how does the* Scripture *say that* Melchisedeck *was* King and Priest? To which the Saint answered; *Melchisedeck was but one* Type *of* God, *who is by Nature the one King of all, made also by Nature* High-priest *for our Salvation*, &c.——*But what need many Words? At the sacred Offerings upon the* holy Table, *after the* Bishops, Priests, *and* Deacons, *and all the* holy Order, *the* Emperors *are Commemorated with the* Laics, *the* Deacon *saying*, And of all the Laics which have died in the Faith, *Constantine, Constans*, and the rest. *And so also he makes mention of the* living Emperors, *after those of the* holy Orders. (32.) And long before him another Saint, as *Monastic, Free*, and *Able* as this *Maximus*, had asserted the same to *Hermogenes* a Bishop; that *he that is Crowned with the* Priesthood, *is a more excellent Governor, than he that weareth the* Purple; *for the* Priest *governs* Souls, *but the* Prince *only* Bodies. (33.) This Saint flourished in the Time of *Cyril* of *Alexandria*, and the *Ephesine* Council, at which time the Emperor, *Theodosius Junior*, acknowledged the same Truth. For when *Theodoret* charged him for permitting the Parties to Assemble before the Emperors Sentence was Published. The Emperor says, *indeed I have no Power to Rule* Bishops; and *Theodoret* very quickly; *then do not you*

(31.) *Ap. Theod. e.4., l. 4.* κ' ε'

(32). Ap. Concil. coll. Reg. Edit. 1644 Tom. 15. *p.* 360. 361.

(33.) Isid. Pelus. *Ep.* 200. *lib.* 2.

Rule

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(29.) Hom. 4. in Gen. vers.

† Greg. Naz. Carm. de Reb. ſuis de Patre ſuo ita loquitur.——Μακᾶς μέν Θεὸς ἐπὶ πᾶσι λέγων, Μειζόνων μείζονα τὸν ἀνδρα τοῦτον Ἐξοχὰς, καὶ ἀρετῆς τε τελέσμασι καὶ βουλαῖσιν Ἡνιοχῆας, ὅτε τὸν δὴ νοὸς ἔφασκεν ἀνὴρ, θνητοῦ, ἀνδρῶν τε θεῶν μέσσας εἰς ἐν ἀγείρων.

(30.) Hom. 5. in ead. vers.

(13.) Up-

(31.) Upon which the Synod permitted the Election to him; but he refuſed it, was an Attempt too great for him, and *fitter for them who were Sanctified with the divine* Grace, *and* Light. Upon ſuch Principles and Authorities St. *Maximus* (the Abbot and Martyr) ſticks not to oppoſe the contrary Pretenſions in his Conference with the Princes of the *Monothelite* Emperor *Conſtans*. The *Popes* and *great Biſhops*, had (upon Favours obtained to the Church from *Emperors*) magnified them for a *Prieſtly* (as more Honourable than a *Regal*) Affection to the Church; nay, and in that Senſe, call'd them *Prieſts*, as an *higher Character* and *Complement*. Upon this Princes had begun to take them at their Word, and challenged to themſelves the *Prieſtly Character* and *Authorities*. Theſe *Conſtans* his Princes Arrogated to him; and asked *Maximus*, *if the* Emperor *were not a Prieſt?* The Saint reſolutely replyed; *he is not. For he ſtands not at the Altar, nor after the Conſecration of the Bread, doth he lift it up, ſaying*, holy Things for the Holy; *neither doth he Baptize nor Conſecrate the* Chriſm, *nor make* Biſhops, Prieſts, *or* Deacons, *nor Conſecrate* Churches, *nor carry the* Tokens *of* Prieſthood, his Tippet, *and the* Goſpel, *as he does the* Crown *and* Purple *of the* Empire. The Opponent objected; *and how does the* Scripture *ſay that* Melchiſedeck *was* King and Prieſt? To which the Saint anſwered; *Melchiſedeck was but one* Type *of* God, *who is by Nature the one King of all, made alſo by Nature* High-prieſt *for our Salvation*, &c.——*But what need many Words? At the ſacred Offerings upon the* holy Table, *after the* Biſhops, Prieſts, *and* Deacons, *and all the* holy Order, *the* Emperors *are Commemorated with the* Laics, *the* Deacon *ſaying*, And of all the Laics which have died in the Faith, *Conſtantine, Conſtans*, and the reſt. *And ſo alſo he makes mention of the* living Emperors, *after thoſe of the* holy Orders. (32.) And long before him another Saint, as *Monaſtic*, *Free*, and *Able* as this *Maximus*, had aſſerted the ſame to *Hermogenes* a Biſhop; that *he that is Crowned with the* Prieſthood, *is a more excellent Governor, than he that weareth the* Purple; *for the* Prieſt *governs* Souls, *but the* Prince *only* Bodies. (33.) This Saint flouriſhed in the Time of *Cyril* of *Alexandria*, and the *Epheſine* Council, at which time the Emperor, *Theodoſius Junior*, acknowledged the ſame Truth. For when *Theodoret* charged him for permitting the Parties to Aſſemble before the Emperors Sentence was Publiſhed. The Emperor ſays, *indeed I have no Power to Rule* Biſhops; and *Theodoret* very quickly; *then do not you*

(31.) *Ap. Theod. c. 4. l. 4. n.* 6.

(32). Ap. Concil. coll. Reg. Edit. 1644 Tom. 15. *p.* 360. 361.

(33.) Iſid. Peluſ. *Ep.* 200. *lib.* 2.

Rule

(34.) *Ap.* Theodoret. Epiſt. *ad* Alex. Hierap. *ap.* Concil. Epheſ. Collect. Reg. Concil. Tom. V. *p.* 718.

Rule us? (34.) And had the *Popes* never gone farther than this, they could not have been blamed; but while they Arrogate to *themſelves* the *Eccleſiaſtical Headſhip* of the Catholick Church, and that with a *coercive Authority*, not only over the *Morals*, but even the *civil Powers* of Princes, as ſubject thereto; this is the *damnable Extreme*, which Princes thro' *Superſtition*, *Impotency*, *Craft*, or *Intereſt* have unhappily admitted and enforced upon the Church, which *they* and the *Popes* have enſlaved by their *Concordates*, tho' now forſooth all the blame is laid upon the *Pope*, as if he could have poſſibly gone *on*, and *thro'* with *his Uſurpations*, if Princes had not ſupported him thereunto. After promiſe whereof, let us hear the Senſe of one or two of them given within Compaſs, and agreeably to the Catholick Principle herein. Thus then Pope *Gelaſius* I. Reaſons with *Anaſtaſius* the Emperor; *I intreat your Piety, not to account for* Arrogance, *an* Office *of* divine Reaſon. Far *be it, I pray, from you, O* Roman Emperor, *to repute the* Intimation *of* Truth *for an* Injury. *For, O* Auguſt Emperor, *there are* two things, *by which the* World *is* principally *Governed*; *the* ſacred Authority *of* Prieſts, *and the Regal Power*; *in which the* Weight *of the* Prieſts *is ſo much the* heavier, *in as much as they are at the laſt Judgment, to render an* Account *to* God, *even for* Kings. † *For you know, that tho' you Preſide over Mankind in* Dignity, *yet you devoutly bow down your Neck to the* Preſidents *of* things Divine, *and from* them *you deſire the Means of your Salvation. And in the* receiving *and* diſpoſing *the* Heavenly Sacraments, *as it is meet, you know that you ought to* be Subject, *rather than* preſide *by the* Order *of* Religion. *You know therefore, that in* theſe things *you* depend *upon* their *Judgment, and are not to deſire* them *to be reduced to* your *Will. For if as much as pertains to the* Order *of* publick Diſcipline, *the very* Preſidents *of* Religion, *knowing the* Empire *to have been given* you *from* above, *do* obey *your* Laws, *leſt they ſhould ſeem to* oppoſe *your* Decree, *promulgate in* worldly Things; *with what Affection, I pray you, does it become you to obey Thoſe, that are appointed for the Adminiſtration of the* venerable Myſteries? (35.) And again elſewhere, *grant it,* ſaith he, *that before the coming of* Chriſt, *ſome,*

† *This, in the Second Council of* Aix la Chapelle, *is look'd upon as the Rule of all Religion, and Eccleſiaſtical Diſcipline.*

(35.) Gelas. *Epiſt.* 8

† *tho'*

†*tho' Constituted only in carnal Actions, yet in a* Figure *were equally both* Kings *and* Priests, which the sacred History *affirms of* Melchisedeck, *which the* Devil *also imitated in his*, (*as that he always does by a tyrannical Spirit, Arrogate those things to himself, which agree to the Worship of* God) *that* Pagan Emperors *should be called also* High-priests; *yet when they came to him that was the true King, and* High-priest, *no* Emperor *took on him the Name of* High-priest, *nor did any* High-priest *claim any* regal *Eminency.*——Christ *so tempering this Matter, that* Christian Emperors *should need* High-priests *for their eternal Salvation*; *and* High-priests *for the Course of temporal Affairs should use the Ordinances of the* Emperors. (36.) So Pope *Symmachus*, to the aboveſaid Emperor *Anastasius*; *let us compare the Honour of an* Emperor, *with the Honour of an* High-priest, *between which there is as much* difference, *as that* one *has the Care of* Things Humane, *the* other *of* Things Divine. *You, O* Emperor, *receive* Baptism, *take the* Sacraments, *desire* Prayer, *hope for* Benediction, *ask* Penance *from the* Bishop. *Finally, you Administer* things Humane, *he dispenseth to you* things Divine. *The Honour is at least* equal, *that I say not* Superior. The Third (37.) Council at *Constantinople*, called by *Constantine Pogonatus*, owns the *Spiritual Dignities* to be Superior to the *Secular*. (37.) In the Second *Nicene* Council, the High-Priests, and Priests of the *Eastern* Dioceſe, prefer *Terasius*, Patriarch of *Constantinople*, in the *Ecclesiastical Conduct*, before the *Emperor* and *Empress Irene*. (38.) The Second Council of *Aix la Chapelle*, called by the Emperor *Ludovicus Pius*, to discuss the *three Chapters* proposed to them, declare, that *they will innovate nothing, but renew the ancient Constitutions of the Fathers*; *the chief of which is that of* Gelasius I. *above cited, and that of* Fulgentius, † *in the* Church *no Man is found greater than the* High-Priest, (*or* Bishop) *In the* Seculum, *none greater than the* Christian Emperor; (39.) for as yet there were no *Hildebrands*. The same Council alledges the same, *Fulgentius* recommending to Princes *an humble Submission*

† *Note, that after this he draws too far for his own Supremacy, first, over the Church, and so over Emperors, whereſoever dwelling.*

(36.) De Anathem. Vincap. Concil. Reg. Tom X. p. 168.

(37.) *Can.* 7.

(38.) Action 3. οἵτινές ἐστε ὑμεῖς ἀγαπητοὶ, (Tarasius) καὶ οἱ τὰ δίπτυχα καὶ στεμμὸν καὶ τάξιν ἐκκλησίας φέροντες ὑμῶν, στεφεῖς ἔμπειροι καὶ στοχάσιοι βασιλεῖς ἡμῶν, &c.

† *Lib.* 2. de verit. Pred. & Grat.

(39.) *lib.* 1. Præfat.

(40.) *Cap.* 3. *Can.* 2. *to our holy Religion.* (40.) *And they desire the* Emperor, *that he would cause his* Sons *and* Peers *to acknowledge the* Name, Power, *and* Dignity *of the* Prieſt, *in the* Keys *given them in* Peter, *and the* Power *of* remitting *and* retaining *Sins in the reſt of the* Apoſtles. (41.) which, with other like Notions, they laid before him, *becauſe the* Princely Powers, *had upon diverſe Occaſions, intervening, contrary to* divine Authority, *broken in upon* Cauſes Eccleſiaſtical; *and that* Prieſts, *partly by* Negligence, *partly by* Ignorance, *and partly by* Covetouſneſs, *had engaged themſelves in* ſecular Affairs, *and* Cares, *beyond what they ought, and ſo* both Parties *had without all doubt acted contrary to* divine Authority.

(41.) *Ibid Can.* 5.

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(43. *Can.* 2.

§. 10. Perhaps ſome wrangling *Obſervator* may pretend all this, alſo to be Impertinent to the particular Queſtion about *Synods,* which only is in debate. But he that conſiders, that *Authority* follows *Order* in its Meaſures, and that *General* Authorities include *Special,* will find that theſe Paſſages were very appoſitely Collected, to ſhew in *general* the *Superiority* of Dignity, and the *Independent Freedom* of the *more excellent* Authority in *ſpiritual* Powers, in diſtinction from the *meaner temporal* Authority; that ſo all Particulars in *Synods,* or other *Proceſſes Eccleſiaſtical,* may be determined by the ſame general Rules and Maxims, which aſſert a *greater Excellency* and an *univerſal Independency* of the *ſpiritual* Powers from or the *Temporal,* in *all Matters purely Eccleſiaſtical,* whatſoever without Exception. And ſo far however will they regulate our Precipitancies upon the ſecond *Canon,* as to cool our mad and phan-

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phantastical Opinions of an *unlimited* Authority assigned thereby to *Christian Princes*, and to reduce them into Order; the only way to keep Men sober, which therefore I have laid as strongly as I could for a sure Foundation to the following Theories.

The Rules of Concord, &c. between the Powers Spiritual and Secular.

§. 11. And lastly, to conclude this Chapter, I think it becoming me to endeavour sincerely the Satisfaction of all Men in this great and distracting Question, what is to be done by *both Powers*, and *their respective Subjects*, upon the Disagreement and Clashing of these two Powers? And the rather, because the *Dr.* has started, and cap'd a great many Cases, and scrupulous *Quæres* herein, as if he were for *nodus in serpo*, and entangling the publick Peace of Church and State. (44.) To which I answer, first, that the *Powers Hierarchical*, in defence of themselves, and their proper Acts against all Encroachments, must follow the Examples of the ancient Saints, *viz.* In asserting them by suffering even unto Martyrdom, and to resign up no *divine Authority*, or *Care* for any human Terror or Persecution. If the *Ecclesiasticks* invade any *secular* Power, or disturb any *civil Peace*, or *Rights* of Men, or commit Immoralities, tending to the Damage of these, they are liable to *civil* Prosecutions and Coercions in proportion to the Malignity of the Offence. Nor may we pretend any Difficulty in distinguishing Causes, purely *Ecclesiastical* from *Civil*; and from thence for the *necessity* of a *common Moderator*, and *Judge* between the contesting Powers, which the King is fittest to be. For we see it easie for *temporal Courts*, to distinguish their *respective* Powers and Jurisdictions where they are, however all *Secular*; much more may *secular* Matters be distinguished from *Sacred* and *Christian*, in *their own Nature*, and from the ancient *Senses*, *Practices*, and *Constitutions* of the *Primitive* and *Catholick* Church; so that there can be no Pretence for squeamish Scruples and Niceties; and therefore no need of a *common Umpire*, any more than of *one visible Judge* of all *dogmatical* Controversies, nay, not so much; because herein there can be no real doubt. But because where no real Doubt can be, there may be Pretence for it, on Design of Oppression, there the Ecclesiastical Powers must defend themselves against legal Persecutions by Patience, Meekness, and Resolution, and refer their Cause to the Judgment of God hereafter, since there is no Judge to relieve them here. In vain therefore it is to say, *there ought*

(44.) *See* Pref. to App. *p.xi. xii.*

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CHAP. III.

Of the *frequent Necessity* of Synods.

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(2.) Ibid. p. 302.

Synods Occasional, or Stated.

certain fixed and *returned Term*, and provided on purpose to consider all *Emergencies* that may happen in the *Intervals*, and to relieve the Church from the Hurry of meeting at every *particular Occasion*, which may well bear some *little delay*, while *such Occasions*, as admit *no such delay* unto the *next return* of the *Terms*, are to be considered by Synods in the *Interspaces* of *these Occasions*, some are *Ordinary*, *such* as commonly occur to the Church, as those of *filling vacant Bishopricks*, and supplying *other like ordinary Difficiencies*, &c. Others Extraordinary, as being the Results of some Unusual, or Monstrous Impieties, such as are *Heresies*, *Schisms*, and other *like monstrous Confusions*; which need the speedy Cares and Relief of Synods Ecclesiastical. Now if we compare these *two sorts* of *Occasions* together, we shall find the *Ordinary* to be *pretty frequent*, the *Extraordinary only* to be *more rare*. And therefore I deny, *that in a well constituted Church, there are seldom Occasions for Synods, except in Cases of an extraordinary Nature*, notwithstanding the *other Forms* of Provision Established for the *Ecclesiastical Jurisdiction*.

Occasions Ordinary, and Extraordinary.

§. 2. In Examination whereof we are first of all to make some preliminary Enquiry, what a WELL ESTABLISHED, or SETTLED Church is, and in what the *distinctive Form* of such ESTABLISHMENT consists. And first our Saviour founded it on himself, who was the chief *corner Stone* in the Foundation, joyning the Church of God before his Incarnation, &c. With that which followed it; which, next to himself, he *built on the* Foundation *of the* Apostles *and* Prophets; (3.) which Structure thus became *the* Pillar *and* Ground *of the Truth*; (4.) and *the* Gates *of* Hell *were not able to prevail against it.* (5.) And hence it grew great and strong, firm and large, and extended it self to all the known World, against all Opposition for the three first Centuries, till it had reduced the worldly Powers to the Adoration of *Christ*. This was a *Divine*, and therefore, I think, a *good Establishment*. And yet thro' all these Ages, the Ecclesiastical Polity in choosing Bishops, and the Exercise of *ordinary Jurisdiction*, and such like *ordinary Affairs* was managed in *Synods*, and those *frequent*, as well as in Cases *Rare* and *Extraordinary*. But perhaps the GOOD ESTABLISHMENT, which the *Dr.* means, is the *Secular* only. This does not sound very well; but for once let it be so. This then is of three sorts, by *Priviledge*, *Promotion*, or *Incorporation*, which the Church

What is a well established Church.

(3.) *Eph.* 2. 20.
(4.) 1 *Tim.* 3. 15.
(5.) *Matth.* 16. 18.

Church obtained from *Constantine*'s Conversion, *gradually, and successively* for several Ages, upon *different Turns*, and *various Conjectures* in the *secular States*. And yet all along these Ages, and *gradual Advances* of the Church in these *secular* Interests, (if yet you will repute them for *Advances*) the *ordinary*, as well as *extraordinary* Conduct of the Ecclesiastical Polity was *Synodical*, till in the *West* the *Papal* Pride, and in the *East* that of the *Patriarchs*, elevated into Tyranny by *imperial* Succours, drew all Jurisdiction to themselves, and so rendred the *before common* and *equal* Power of Bishops, and the *frequent* and *solemn* use of the *ordinary* and *stated* Synods, altogether *insignificant*, and so at length *useless*, except when their mighty Lords pleased to employ them; instead of *which Synods*, Appeals were carried to *particular Judges*, contrary to all the most Authoritative Constitutions of the Catholick Church. And yet according to the *Dr.* the Church was never well Established till these *ordinary* Synods were oppressed, and single Judges Usurp'd their Place; which happened not till late, base, degenerous, superstitious, and tyrannizing Ages.

§. 3. Supposing then the Church to have been *well Established* in the best Ages; let us enquire into their Senses, concerning the *Necessity* of *frequent Synods*, beginning with such as were *Stated* at *set* and *fixed Terms*, which were Established in the Church, long before the Empire became *Christian*, as appears by *Firmilian*, (6.) and the 37*th*. *Canon Apostolical*, which Instituted *Provincial Synods*, for the determining of the Intercident Ecclesiastical Controversies twice a Year, *one* on the *fourth Paschal Week*, the *other* on the 12*th*. of *October*. And this Constitution, in the Opinion of *Zonaras* and *Balsamon*, Ecclesiastical *Doctrines*, and other *Questions* made necessary; (7.) and consequently here was a very *great Frequency*, thought *necessary* in those purest Ages. Either then *those Churches* were not *well Established*; (which to say Reproaches our very Lord) or if they were; then according to the *Dr.* these *frequent Synods* were *unnecessary*, which is to Reproach the Wisdom and Gravity of the most Primitive Church, either in *judging* them *necessary*, or *requiring* such a *Frequency* which

(6.) Epist. Firmil. ad Cyp. *inter* Epist. Cypr. 73. §. 3.

(7.) ἀναγκαῖον εἶναι δεῖν. Zon. ἀναγκαῖον εἶναι δεῖν Bals. in *Can.*

they *judged not neceſſary*, to *the Damage and Injury of the Church* (8.) But now I am *clearly*, or *perverſely* of Opinion, that this *Canon* was made on this firm Perſuaſion, that the *good Eſtabliſhment* of the Church, made by our Lord *Jeſus*, and his Apoſtles, might by theſe *frequent Synods* be continued againſt all the *frequent Dangers*, occaſioned by *frequent Diſputes* and *Controverſies*; which, without ſpeedy Deciſions and Decrees, would make a wide Breach upon the Faith and Peace of the Church, and ſhake at leaſt the *former Firmneſs* of its *Eſtabliſhment*, for the Defence of which Councils, purely Eccleſiaſtical are convened. The firſt Council of *Nice*, however cannot be denied by the *Dr.* to be called for the *good Eſtabliſhment* of the Church, either to be *made*, or *defended* thereby. This Council however (held *Anno* 325) does alſo approve *Canons* for Synods twice a Year, and judges it an excellent Proviſion, † and ſo ordains, that in them all Appeals from Epiſcopal Cenſures, and other Queſtions ſhould be determined, *changing* the *Vernal Term* only, and *widening* the *Autumnal*. (9.) This then they judged highly *expedient* and *uſeful*; and ſo *neceſſary* to the *Well-being*, and *good Eſtabliſhment* of the Church, or *Continuation* of it, tho' then ſupported with the higheſt *Priviledges* and *Promotions* of a gracious Emperor, moſt devoutly addicted to Chriſtianity; not thinking it *ſafe*, or *Pious* to turn over theſe *Juriſdictions*, and *Matters Eccleſiaſtical*, to the *mere Care*, *Legiſlature*, and *Conduct* of the *Lay-powers*, or *Judges*, tho' never ſo *kind* and *beneficent*; as knowing the Churches *good Eſtabliſhment* to be *founded* and *ſecured* in her own *Internal*, not in *foreign* Authorities. The Council of *Antioch*, (held *Anno* 341, or 342) tho' in the more powerful Part *Arian*, or *Semiarian*, and ſupported by the *Heretical* Emperor *Conſtantius*, and ſlyly reflecting upon the Council of *Nice*, in reverſing their *Terms* of *Convention*, to thoſe of the 37th. *Canon Apoſtolical*. † yet ſtill requires Synods twice a Year, *as excellently uſeful for the Churches* Needs, *and the ending* Controverſies, (10.) and conſequently to preſerve the *good Eſtabliſhment* of the Church; none dreaming as yet, that *well Eſtabliſhed* Churches had no need of *ordinary* and *frequent* Synods, but were *injured* by them, and ſo had formed other

(8.) Auth. of Chr. Princes, p. 268. *To oblige the Clergy frequently to come together, when there is no manner of Reaſon for their ſo doing, would be in truth to injure the Church, and Oppreſs its Miniſters.*

† καλῶς ἔδοξεν.

(9.) *Can.* 5. *ſeconded by the* 1ſt. *Council of* Conſtantinople *Can.* 2.

† *Except only two days in the* Octobrian *Term.*

(10.) *Can.* 20.

other ways of *Jurisdiction*. The second, (11.) and fourth (12.) general Councils, also continue the same Rule for Synods twice a Year in every Province, to Correct all disorderly Emergences, if any such were, not thinking that the *Occasions* of Synods were *seldom*, and those to be judged *only* by the *Emperor*; but that the *Bishops* were to Assemble twice a Year *themselves*, to see if any *such Occasions*, or *Emergencies* had happened, that needed their Correction. And accordingly this Form of Policy for *ordinary Causes*, and *Jurisdictions* continued throughout the whole Catholick Church, till the *Incursions* of the *Barbarians*, and the *Violences* of *Heretical*, and *irreligious Princes*, and *Times* interrupted it, and so *disordered* the *well Established* State of the Church. After which the Churches every where endeavoured to restore it, and that, if possible, to twice a Year; but however, under the Difficulties, and ill Constitutions of Times, to at least once a Year, and this resolutely against all Excuses and Oppositions, which continued down for many Ages. Thus the Council of *Ries*, *Anno* 439, Decrees Provincial Assemblies twice a Year in quiet Times, according to the ancient Constitution. (13.) The first Council of *Vernis*, *Anno* 755, renews the same, (14.) and the Council of *Northumberland* likewise, (15.) *Anno* 787, and Pope *Gregory* in *Sardinia*, (16.) and *Hadrian* 1. in his Canons offered to *Charles* the Great, *Anno* 773. (17.) The Councils of the several *Ages* and *Nations*, that could not possibly keep up to *twice*, asserted most times the *Duty*, but dispensed with it to *once* a Year. In *France* the first Council of *Orange*, *Anno* 441, *sub die* 6to, *Id Novemb.* Ordain'd, that *because the* Ilness of the Times *made Synods twice a Year* difficult, *no Synod should break up without appointing the next Meeting*, and the next to ensue, they appoint 15*o*. *Cal. Novemb.* on the Year following (18.) the Council of *Agatha*, *Anno* 506, requires them also *once* (19.) a Year. How Sacred this Constitution was in the Sense of the *Gallick* Churches, may appear by the zealous Moans made for the neglect thereof by *Avitus*, Bishop of *Viennes*, and his Extimulation of his Brethren, to some Recovery at least therein against all Pretences, and Causes of worldly Obstructions. (20.) And not long after the second Council of *Orleans*, *Anno* 533, requires a provincial Synod

(11.) Council 1. Constan. *Can.* 2.

(12.) Conc. Chal. *Can.* 19.

(13.) *Can.* 8.

(14.) *Can.* 4.

(15.) *Can.* 3.

(16.) *Epist. l.* 3. *Ep.* 9.

(17.) *Can.* 34.

(18.) *Can.* 39.

(19.) *Can.* 71.

(20.) Epist. ad Episcop. Provinc. Viennens praefix. Concil. Vien *Anno* 517.

(21.) *Can.* 1. (22.) *Can.* 2. (23.) *Can.* 23. (24.) *Can.* 1. (25.) Circ. Ann. 600. Ep. *l.* 7. Epiſt. 11. (26.) Council Cabilon præfat. (27.) *Boniface Archiæpiſcop. Mogunt. Ep. ad Zach. Pap. præfix. Pap. Zach. Epiſtol.* (28.) *Council of Meldens Can.* 32. (29.) *Can.* 2. (30.) *Can.* 7. (31.) *Ep.* [illegible] 3.

nod every Year, at leaſt *once*. (21.) The ſame Reinforced by the Third Council of *Orleans*, *Anno* 538; (22.) and ſo likewiſe by the Fifth Council of the *ſame* City, *Anno* 549. (23.) The Second Council of *Tours*, *Anno* 567, Ordains them *once* a Year at leaſt, even againſt the King's Prohibition. (24.) Upon a great Relapſe *Pope Gregory* the Great Reinforces the *Canons* for *twice*, with a Relaxation to *once* a Year, upon the Neceſſities then preſſing the *Gallick* Churches. (25.) The Council of *Challon*, *Anno* 650, publickly owns the Authority of the *Canons* for ſuch *annual Synods*. (26.) In the time of *Carloman*, Duke of the *French*, they had had no Archbiſhop, nor Synod for the ſpace of 80 Years paſt, and ſo for 60 or 70 Years all Diſcipline had been Proſtituted, and all Canonical Order loſt, the Epiſcopal Sees being poſſeſſed by *covetous Laics*, *adulterated Clarks*, *Whoremongers*, and *Publicans*. This induced *Carloman* to deſire a Council, (27.) which was granted by *Pope Zachary*, at the Requeſt of *Boniface*, Archbiſhop of *Mentz*. This Church however, emerging during the time of *Pope Zachary*, in the Council of *Soiſſons*, *Anno* 744, renewed the annual Synods. The Council of *Meldæ*, *Anno* 845, requires Princes to ſuffer them. (28.) The firſt Council by *Toul* at *Saponarias*, *Anno* 859. having read and approved the *7th.* among the *Canons* of *Langres* did blame the former Kings for Interruping the Courſe of Councils, which therefore they renew to the *good Governance* and *Correction* of all *Orders*, *Kings*, *Peers*, and *People*. (29.) And in imitation of theſe Provincial Rules, the Council of *Autiſiodore* provides for the Aſſembling of their *Presbyters* unto their *Biſhop* once a Year in the middle of *May*, and their *Abbats* once a Year on the *Calends* of *November*. (30.) Paſs we over from *France* to *Spain*; and there we find *Pope Hormiſdas*, *Circ. Anno* 517. undertaking to Command the *Spaniſh* Biſhops to Aſſemble, if poſſible, *twice*, if not, at leaſt *once* a Year, without fail, having ſhewn the Excellency of the ancient Conſtitution for Synods *twice* a Year, which he aſſerts *Eſtabliſhed by the Fathers, for the free Treating of Eccleſiaſtical Matters, that if all things go well, they may altogether give God Praiſe.* Wiſely moreover adding, *that Men will not eaſily attempt to do Wickedly, or be hardned in Sin, when they know they muſt be called to account in Council*, &c. (31.) The Third Council of *Toledo*, *Anno* 589, confirming the *Canons* for *twice* a Year, diſpences however for *once*, be-

cauſe

cause of the long Journeys, and Poverties of their Churches. (32.) The Fourth Council of *Toledo*, *Anno* 635, attributes the Ruine of Ecclesiastical Manners and Discipline to the neglect of such Synods, which thro' the Difficulty of the Times, it Ordains however for *once* a Year *absolutely*. (33.) The 11*th*. of *Toledo*, *Anno* 675, mightily applauds K. *Wamba*, for the restoring Councils to their annual Courses, which had been Impiously, and Injurously intermitted for the space of 18 Years. (34.) And lastly, the Council of *Emerita*, *Anno* 666, Ordains the same Provincial Synods *once* a Year. (35.) In imitation of which the Council of *Osca*, *Anno* 598, Constitutes an *Annual* Assembly of all their *Abbots*, *Priests*, and *Deacons*, under their respective Bishops. (36.)

(32.) *Can.* 18.

(33.) 3.

(34.) Præfat. *Erasmus enim hucusque prolabentis seculi colluvione instabiles, quia annosa series temporum subtracta luce Conciliorum, non tam vilia auxerat, quam matrem omnium errorum ignorantiam otiosis mentibus ingerebat.* ——— *Babylonicæ confusionis olla succensa nunc tempora Conciliorum averteret.* ——— *Purpuratæ* ——— *meretricis sequebantur irritamenta, quia Ecclesiastici conventus non aderat Disciplina.*

In *Sicily*, *Pope Gregory the Great* enforces the old *Canons*, but with a Relaxation to *once* a Year, on Account of their Necessities. (37.) The *Sicilian* Bishops had by Custom attended the Synod at *Rome once* in *three* Years, but *Pope Gregory M.* dispenses with them unto five Years. (38.) In *England* the Council at *Hereford*, *Anno* 679, confirms the old *Canons* for *twice*, but dispenses also to *once* a Year at least, that a Synod be held at *Cloveshoe*, on the *Calends* of *August*; (39.) and the continuance of such Synods is asserted in the *Canons* of King *Edgar*, (40.) *Circ. Anno* 968, *aut* 969. In *Germany* the First Council, *Anno* 742, Ordains Synods for *once* a Year, (41.) of which *Boniface*, Archbishop of *Mentz*, the President, gave account to *Cuthbert*, Archbishop of *Canterbury* (42.) for a Pattern.

(35.) *Can.* 7.

(36.) *Can.* 1.

(37.) *Ep. l.* 1. Ep. 1. & *l.* 12. Ep. 32.

(38.) *l.* 6. Ep. 19.

(39.) *Can.* 7.

(40.) *Can.* 3. & *seqq.*

(41.) *Can* 1.

(42.) Epist. præfix. 2. Concil Cloveshoe.

In *Africa* their Zeal at first was so great, as to Ordain *general Synods of* all those vast *African* Provinces *once* a Year, as in the Council of *Hippo*, *Anno* 393, and from thence repeated in the Council, called the Third of *Carthage*, *Anno* 397. (43.)

(43.) *Can.* 27. 41.

In the *Greek* Empire the Emperor *Juſtinian* the Elder had made a Law, that Patriarchs and Metropolitans ſhould call the Biſhops of their Provinces *once* or *twice* a Year to a Synod. (44.) And conformably the Council in *Trullus*, called by *Juſtinian Rhinotmetus*, *Anno* 680, Ordains, that Metropolitans ſhall convene Synods at leaſt *once* a Year, ſince they could not meet *twice*, becauſe of the *Incurſions* of the *Barbarians*, and *other Contingencies*. (45.) And the ſame is renewed by the ſecond *Nicene* Council, *Anno* 787, with the Cenſure of Excommunication againſt the *ſecular Governors*, or *Princes*, that ſhould hinder ſuch annual Synods. (46.)

(44.) *Novel.* 123. *c.* 10.

(45.) *Can.* 8.

(46.) *Can.* 6.

In *Italy* the Fourth Council of the *Lateran*, *Anno* 1215, continues the ſame Inſtitution for Provincial Councils *once* a Year; (47.) and in imitation of ſuch Provincial Synods, the Council of *Ravenna*, *Anno* 1311, requires the yearly Synods of their *Clergy*, to their *reſpective Biſhops*, to be held in every *Dioceſe* of that *Province*. (48.)

(47.) *Can.* 6.

(48.) *Rubr.* 18.

From *once* a Year, proceed we to the next fall to *once* in *two* Years. And in *France* the Council of *Langres*, read, and received in the Council at *Saponalias*, *Anno* 859, Ordains, that *once* in two Years there ſhould be a *general Synod* of the Biſhops at the King's Palace. (49.) In *Spain*, *Alphonſus Carrillo*, Archbiſhop of *Toledo*, in his Council, *Anno* 1473, bemoans the long deſuetude of the *annual* Councils, which then were almoſt forgotten in *Spain* (50.) And to do what might be to ſome Recovery, the Council Ordains, that a Provincial Synod be held at leaſt *once* in two Years, and that every Biſhop hold a Synod of his Clergy *once* a Year. (51.)

(49.) *Can.* 7.

(50.) Præf. Concil. Tolet.

(51.) Concil. Tolet. dict. Capit. 1.

The next fall is to *once* in *three* Years, and that ordained in *France* by the Second Council of *Maſcon*, *Anno* 585, *ſtill ſaving all the Ordinances of the ancient Fathers in all things*. (52.) by the Council of *Baſil*, *Anno* 1433, (53.) and by the Conſtitution of Cardinal *Campegius* for *Germany* at *Ratisbon*, *Anno* 1524. (54.) I will not inſiſt upon the Senſe of the Council of *Conſtance*, *Anno* 1417, for the *Neceſſity of frequent general Councils* in that Age, which at leaſt is required every *ten* Years, no *Papal Diſpenſation* being allowed for any *longer Prorogation*; (55.) nor the like Opinion of the Council of *Baſil*; (56.) becauſe theſe will be objected to be Ages altogether *Popiſh*. But it is apparently the Senſe of a *neceſſary Frequency* throughout all Ages of the Church, Corrupt, and Incorrupt, that was the ground

(52.) *Can.* 20.

(53.) *Seſſ.* 15ta.

(54.) *Cap.* 25.

(55.) *Seſſ.* 39.

(56.) *Seſſ.* 35.

ground of these Constitutions. However to ensure the Reader we will adduce some particular Indications hereof.

And first that Provincial Synods are *frequently necessary*, and so *frequently* to be provided by every Metropolitan, is the declared Sense of the Fifth Council of *Arles*, *Anno* 554. (57.) And the *Omission* of them is always deplored as *Criminal*, and *Impious*, and Ascribed to *ill Men* and *Causes*. (58.) The Sixth Council of *Paris*, *Anno* 829, complains, that *among other Matters, contrary to* DIVINE ECCLESIASTICAL, *and* CANONICAL *Authority, a miserable and dangerous Custom had violated the Observation of* Synods twice a Year, *to the* great Damage *of the* Church, *&c.* (59.) The *Prolocutor* to the Council of *Mentz*, *Anno* 888, among many Impieties, charged as well on the *Bishops*, as the *People* as the *Causes* of God's Judgments, lays this at the Door of the *Bishops, that they had intermitted their* Synods. (60.) It was a melancholly Observation of *Zonaras* (who flourished below 1100 Years after *Christ*) upon the 37*th*. *Apostolical Canon, that such* stated Synods *were then under Contempt*. And I could wish that some Person of great *Ability*, *Leisure*, *Advantages*, *Integrity*, and *Courage* would trace the *Histories*, and *Causes* of the *Declension* made in the *Eastern* and *Western* Churches from this *Catholick* and *Primitive* Policy, the Causes of Diseases being clearly known, giving the fairest Advantages to the Cure. However in the mean time I hope the *Dr.* and *my Master of some Thoughts* will think themselves concern'd to Reconcile all these Instances for the Sense of the Catholick Church herein, with their private Prejudices against *frequent Synods*, as *unnecessary*, and *Injurious* in a *Well-Established* Church, which the whole Church throughout all Ages,

(57.) Præfat. *Hanc super omnia curam debet esse Pontificis, ut de Ecclesiabus Deo juvante sibi commissis, tanquam de propria quam regit, curam sollicitudinemque indesinenter invigilet, ut frequentius Episcopis, statuta sæpiùs relegendo,* &c. —— *Synodus aggregata pro necessariis rebus.*

(58.) *So* Reccared *the Convert, King of* Spain, *in the Fourth Council of* Toledo. Decursis retro temporibus hæresis imminens in totâ Ecclesiâ Catholica agere Synodica negotia denegavit. *l.* 1. *c.* 26. Vid. Præf. 11mi. Concil Toletan. Supr. citat.

(60.) *Ecce labentibus tot annorum curriculis, nunquam nec generali, nec etiam Provinciali Synodo adunati sumus, ut aliquid dignum necessariumve Ecclesiæ, cui annuente Deo præsumus, mutuis collationum sermonibus conferremus.*

(59.) *l.* 1. *c.* 26.

Ages, thought ſo *neceſſary*, and beneficial to its *good Eſtabliſhment*. And to all theſe, I will add one Teſtimony more, more undeniable with the *Dr.* than all theſe, becauſe 'tis Biſhop *Andrew*'s, none of whoſe Sayings will the *Dr.* allow to be queſtionable in his Sermon of *Aſſemblies*, on *Numb.* 10. v. 1. 2. Preached at *Hampton Court*, he ſays, *that* God *till that time kept the* Aſſembling Power *to* himſelf. *But now he gave* two Trumpets *to* Moſes, *and this at* Sinai *too, from whence the People departed not before, but upon this removed preſently. Thus* Moſes *was made* Keeper *of* both Tables, *and* both Trumpets, *there being as it were an Alliance between the* Law *and* Aſſemblies; Aſſemblies *being ever, and ſpecial* Means *to revive the* Law, *(as Occaſions ſerve) and to keep it in uſe*———*as if the* Law *were not perfect without* Them. *In the* Body Politick, *when all the* Eſtates *are drawn together, it is* Nixus, *rather than* Motus, *or a* great *Motion*, &c. *Yet even* this, *(great and extraordinary as it is) ſuch, and ſo urgent* Occaſions *may, and do daily ariſe, as very requiſite it is ſuch* Meetings *there ſhould be.*———*If ſo neceſſary for the* Camp, *and* Congregation, *as a* civil Body; *ſo for the* Church, *which has her* Wars *to Fight, her* Laws *to make.*———Hereſies *have ever been beſt put to flight by the* Churches Aſſemblies, *that is*, Councils;———*and ſome could never be Conquer'd but ſo.*——— *The* Churches Laws, *which we call* Canons *and* Rules,——— *have always been made in* Councils, *not elſewhere.* Now if there be the ſame Reaſon for *Church Aſſemblies* under the *Goſpel*, as for the *Camp*, and *civil Aſſemblies* under the *Law*, then are the *Chriſtian Councils* of *divine Inſtitution*, as well as the *Law Evangelical*, as if *this* were not *perfect* without *thoſe*, there being ſuch great *Occaſions* ariſing *daily* requiring them to *revive* the *Goſpel*, and keep it in *uſe*. And thus I have exhibited what I think full and ſure Grounds for my Opinion, concerniug the *Neceſſity* of *frequent Synods*. And as hard thoughts as I have of *H.* VIII. and his Contrivances to Enſlave this Church to his own Will, yet it never entred into his Mind to Aboliſh the *Frequency* of Synods, after he could mould them according to his own Appetite; and with all Submiſſion to better and more Authoritative Judgments, a little help would perſwade me, that neither the Submiſſion, nor the Statute upon it, did *ſuppoſe*, or intend a Power to Aboliſh that *Frequency* which our own *legal* Conſtitutions had fixed and owned as *neceſſary*, of which

Let the Dr. compare theſe with his Sentiments, and reconcile them, if he can, fairly.

(I

(I think) the *Writ* of Summons at Parliamentary Times, was once a clear Indication. And I muſt ſay by *Synods*, as by *Parliaments*, that as theſe are to be Aſſembled, not only upon ſuch Occaſions as King's ſee fit, but that they, when they are met, may conſider whether there be any Occaſions of their own; for which Right they have ever here contended, and at laſt obtained *Triennial* Parliaments, and Seſſions; ſo it ſhould ſeem as *juſt* and *equal*, that *Chriſtian* Churches, under *Chriſtian* Kings, ſhould have *Liberty*, as well as *Right*, not only to depend on the Judgment of their Princes, but to examine by their Synods, what may ſeem neceſſary to the State Eccleſiaſtical; and they that would deprive the Chriſtian Church of ſuch Priviledge, would deprive the Parliaments of it too, if it were in their Power. And therefore I think no Men can upon Principles wiſh well to the Conſtitution of *Parliaments*, that are Enemies to the Rights and Priviledges of *Eccleſiaſtical Convocations*.

CHAP. IV.

Of the *Right* of *Calling* Synods Eccleſiaſtical.

§. 1. THE Method uſed by the *Dr.* in the Management of his Cauſe, in almoſt all his Sections is ſuch. Firſt, To lay down *general Aſſertions* of *cuſtomary Facts*. Secondly, To confirm, or prove them by *particular Inſtances* out of *Hiſtory*. Thirdly, From hence to draw *Concluſions* and *Maxims* of *Right*. And Fourthly, To ſupport theſe with ſuch *Reaſons* as ſeem good to him. But to the Perſpicuity of my Deſign, I think it very neceſſary to Invert that Order, and conſider. Firſt, His *Maxims* of *Right*. Secondly, His *Reaſons*. Thirdly his *general Aſſertions* of *cuſtomary Practices*. And Fourthly, His *Hiſtorical Inſtances*, as they ſhall conveniently fall in their proper Places.

§. 2.

§. 2. Now, in order to a just Treatise of the whole Matter, he distinctly considers the *Royal Powers* over *Synods*, under three Heads: First, the *Authority* of *calling* Synods: Secondly, Of *directing* their *Proceedings*, when *called*: Thirdly, Of *approving*, or *confirming* their *Constitutions afterward*. (1.)

(1.) Auth. of Chr. Pr. p. 12. 13.

The Dr's. five Articles of Regal Authority in calling Synods.

§. 3. Concerning the *first Head* of the *Right* of *calling* Synods, he lays down *five Articles*, or *Positions*. First, *That it is the* Right *of* Christian Princes *to* call *such* Assemblies, *and that they cannot* lawfully meet, *but as they are either* commanded, *or* allowed *of by* them. Secondly, *That* They, *and not the* Clergy, *are* Judges, *when it is proper to* Convene *them, and ought not to be censur'd for not Assembling them, when they are perswaded it is* needless, *or would be* inexpedient *for them so to do*. Thirdly, *That even the* ordinary Synods, required *by the* Canons, *and* allowed *of by* themselves, *may yet upon* just Grounds *be stop'd by them, (and when there is a* just Reason *so to do, they are to judge) and being so* prohibited, *cannot be* lawfully Assembled. Fourthly, *That when ever they meet, the* Prince *is not only to* appoint, *or at least* to approve *the* Time *and* Place *of their* Meeting. *But* Fifthly, *may give* Directions *for the* Choice *of the* Persons *that are to* compose them. Which five Articles are partly and positively *Affirmative*, what Christian Princes may themselves do, partly *Negative* what the Bishops and Clergy may not do without the Authority of such Princes in the Business of *Convening* Synods. (2.)

(2.) Auth. of Chr. Pr. p. 41. 42 *See also* p. 38.

§. 4. According therefore to this Order we begin with the *first Article*, and therein the *Positive*, or *Affirmative* Part of it, *viz. That it is the* Right *of all* Christian Princes *to* call *such* Assemblies. This *simply taken*, and not *Exclusively* of the *Hierarchical Powers*, is universally acknowledged by all the Consent of Antiquity to *that Practice*; but then it is as certain, that even *Unchristian Princes* have some such a Right also, even *Turks* and *Heathens*, for the *same Reasons* that *Christian Princes* have it, namely, thereby to do good, either to *the Church*, or to *Aliens* from the Church. That *Unchristian Princes* did not *of old*, nor *now* do *in effect* call Christian Synods to these Ends, is no Argument against *their Right* of so doing, if they please. For *all Princes* may Convene *any Order* of their Subjects, and encourage them to consult, and provide for their own, or others Good, tho' perhaps some ne-

All Friendly Princes have a Right to call Synods to good Ends.

never do so. The *Primitive Church*, under *Heathen Emperors*, and the *Churches* now under *Mahometans*, would have accepted such Favours with all Gratitude, without contesting *such Right* in their *Unchristian Princes*. And *so far* I go along with the *Observator*, (3.) and *no farther*. But *professed Enemies*, whether *Baptized* into Christianity, or no, have *no Right* to *call* them, because such *Convocation* would be designed to the Churches *Mischief*. Hence the Father of *Gregory Nazianzen*, tells *Julian*, *that he had no Authority to look into any Christian Concerns*, tho' he had been *Baptized*, and *Ordained* a *Reader* in the *Christian Church*, (4.) because of his *Apostacy* and *actual Enmity*. (5.) Nor do I here only mean a *Right* of *Invitation* to Synods in all *Friendly* Princes, whether *Christian*, or *Unchristian*, but of *Precept* with *Authority* of *secular Coercion* by *Menace*, or *Punishment* of Contempt, the *good Causes* of the *Precept*, and the *Security* of the Synod being *manifested*. To such a Supremacy herein is the Church Subject under all *friendly* Princes, and that not only for *Wrath*, but also for *Conscience* sake; and this Opinion I hope my Adversaries will not charge with *Popery*.

(3.) *Obs.* p. 18.

(4.) *Naz. in Epitaph. Patris.* οὐκ ἐμοὶ τὸν παρεμπεσόντα εἰς τὰ ἡμέτερα.

(5.) *M.E.* p. 159, &c.

§. 5. But because this *Right* imports *Authority*, and *Authority* is by us distinguish'd into *Ordinary*, and *Extraordinary*; (6.) the next Enquiry, is whether the *Authority* consisting, or implied in this *Right*, common to *Christian*, and *Unchristian* Powers, be of the same *special Kind*, and whether that be *Ordinary*, or *Extraordinary*? And here indeed the *Authorities* are to be *diversified*; for an *Unchristian* Prince is under no *ordinary Office*, or *Duty* by any *federal*, or *legal* Obligation, to concern himself in Affairs, *Christian*, purely *as such*, and so *this Authority*, and its *Exercise* is altogether *Arbitrary*, and *Extraordinary*, as he pleases, or not pleases. But the *Christian Princes* are by their Baptism bound to do good Offices, and take Care for the Church, according to the best of their Capacity and Power, to fulfil their *Prophetick Character*, of being her *nursing Fathers*, and therefore are in *Duty*, and *ordinary Office* to assemble Synods, or cause them to be Assembled, when the *Constitutions Ecclesiastical* require them, or *occasional* Affairs, in *such Princes*, or the *Churches* Judgment, seem to need them. For even mere Doubts in such Cases, make Synods *necessary* to remove *them*, and *their Causes*. For if the Churches Constitutions require them, and the *Bishops*, and Clergy, or any of them slacken

(6.) *Ch.* 1. §. 6. *The Unchristian Princes Authority over Synods Extraordinary, that of Christian Princes Ordinary. to be used according to Canons, or Occasions.*

Upon his own, or the Churches Apprehensions.

en in Convening accordingly, no doubt it is the Chriſtian Prince his *ordinary Office* and *Duty* to quicken them to their *Duty*, as Need ſhall require, either by *Invitation*, *Precept*, *Menace*, or *civil Puniſhment*. And upon any his own Apprehenſions of Eccleſiaſtical Concerns, there is no doubt but 'tis the Princes *Office* to Summon, or cauſe them to be Summoned, and theirs to Obey in Convening to a juſt and good Deciſion. And if the Governors of the Church lay their Doubts before the Prince, as needing Synodical Proviſions, and his Princely Encouragement, I am ſo ſilly (except particular Contracts can alter the Reaſons of Things) as to fancy it the *Office* of a *Chriſtian Prince*, to promote a *Chriſtian Conſultation*. So that with the *Authority* of a *Chriſtian Prince as ſuch*, there is mixt an *ordinary Office* and *Duty* of Care for the *Churches Good*, and *Improvement* of the *Chriſtian State*, and conſequently for *Synods Eccleſiaſtical*. And herein I judge lies the formal Difference between the Eccleſiaſtical Supremacy of *Chriſtian* and *Unchriſtian* Princes, as to the calling of Synods. And that I may take off all Darkneſs and Suſpicion, and give a clear *Idea* hereof; firſt, I do not hereby intend that by *Baptiſmal* Obligation, *Chriſtian* Princes are *Obnoxious* to any *Eccleſiaſtical Cenſure*, for not actually uſing this their *ordinary Authority* in *convening* Synods themſelves, or *cauſing* them to be *Convened*, becauſe the *Spiritual Power* of the *Keys* was not given over *civil Matters*, much leſs *Powers*, but only *Matters*, and *Duties*, *Moral*, and *Religious*; and ſo *Chriſtian Princes* are not *Subject* in their *civil Adminiſtrations* to any *Eccleſiaſtical Mandate*, or *Tribunal*, as the *Papiſts* and *Presbyterians* pretend over them in *Matters* relating to the *Church*: And further it is not to be intended, that it is the *ordinary Office* and *Authority* of the *Chriſtian Prince*, by his *own* Writs to *call* them *always himſelf*, it being ſufficient, ſimply, and in reaſon (where there is no *poſitive Conſtitution* determining it to the King's *Writ*) that he *ſee* that they be *Conven'd*, when the Churches *Canons* require, or *her Occaſions* ſeem to require them.

Civil Authorities *not Subject to the* Eccleſiaſtical.

§. 6. And perhaps in this part of this *firſt Article*, which is purely *Affirmative*, there may be no great, or laſting Difference between us. But the *Second* and *Negative* Part of *this Article*, will be more likely to give us the greateſt Diſturbance, *viz*. *That* Synods *cannot* Lawfully *meet*, *but as they are either* commanded, *or* allow'd *of*

by

by Christian Princes. For first of all I am not satisfied as to the Intention of his Terms LAWFULLY, and ALLOW'D. Concerning the former of which, is to be noted, that the word LAWFUL, commonly taken, *Negatively* signifies *that which is not positively forbidden by Law*; which the *Greeks* express by ἐξὸν the *Latines* by *Licitum*; but sometimes in a *positive Sense*, it signifies *that which the Law positively Licenses, or Institutes*, and so makes it *properly, strictly*, and *formally Legal*, which the *Greeks* call ἔννομον or νόμιμον and the *Latines Legitimum*. So likewise ALLOWANCE is sometimes taken *Negatively*, for *mere Non-prohibition*, or *Connivance*, or (as more often) *positively* for *express License*, or *Coaccession*. Whence it must be noted, that a thing must be accounted LAWFUL, with respect to some LAW, from whence 'tis so called, or reputed; and consequently that may be, or be reputed LAWFUL, in respect of *some* LAWS, which is not so in respect of *others*. By the *Ecclesiastical Laws* of *England*, several things are LAWFUL, and several UNLAWFUL, which are not so at *Common*, or *Statute Law*, & *vice versa*, not now to mention the *Difference*, or *Contrariety* of *Laws* in *different Countreys*. But above all, that may be LAWFUL by the *Laws of God*, which is not so by the *Laws of Men*; and that Lawful by *Men's Laws*, which is not so by the *Law of God*. Besides in Laws there are two sorts of Obligations, *one Practical* upon *Conscience*, the *other Passive only* unto *Punishment*; to which *latter* a Man may be *even Morally* bound to submit, when his *Conscience* is under no *dutiful Obligation* to *practical Obedience*, as in Matters *Unjust*, or *purely Positive* and *Civil*. Now the *Dr.* somewhere says, *that by the Provision of civil Laws, Synods become* legal Assemblies; (7.) *and where there is no general* Provision *made by the* Laws, *the* express Command, *or* Allowance *of the* Prince *is necessary to their* lawful *Meeting*. (8.) By comparing both which Places together his Sense seems to be, (and if it be not, I desire him to Pardon, and Right the Mistake) that *Ecclesiastical Synods* cannot be *positively Legal*, according to the *Laws* of *Princes*, without their *express License*, or *Allowance* at least. Now if this be his Meaning, I grant the Truth of it entirely; for it is not so much *Untruth*, as *Non-sense* to deny it. But then it is not to our Question, which is, *whether Synods may be Lawful according to God's Law Conven'd without the positive Allowance, or Warrant of the Christian Prince?* Or,

Lawful in divers Senses.

(7.) Auth. of Chr. Princ. *p.* 18.

(8.) *Ibid. p.* 14.

whether

whether his Warrant be essentially necessary to make such Synods, either Negatively, or Positively Lawful according to the Law of God? For if the *Law of God* does not prohibit such Ecclesiastical Synods that have not the Christian Princes *express Warrant*, they are *negatively Lawful*, and Sinless in the *sight*, and according to the *Law* of God. If God hath given the Bishops and Priests, &c. of the Catholick Church, a *Divine Charter* to hold Synods under *Christian Princes* without an *express Warrant* from *such Princes*, then are *such Synods* in respect of God's Constitution, *positively Lawful* and *Legal*, tho' wanting the *Regal Warrant*. And all this the *Dr.* is bound to disprove, if he intends to support his *Hypothesis, that all the Authority of calling Synods is solely in, and from the Christian Prince*. For otherwise the *Hierarchy* may have a *divine Authority* to Convene in Synods, tho' they have no *Civil*, or *Regal Warrant* from the *Christian Prince*. But if by LAWFUL, he means a *negative Lawfulness*, only in respect of *civil Laws*, then I deny the *express Command*, or *Allowance* of the Christian Princes to be necessary thereunto, for to this a *mere Non-prohibition* is sufficient. And lastly, if he refers the LAWFULNESS only to *civil Laws*, then whether it be *Negative* only, or *Positive*, this part of the *Article* will be as true, in respect of *Heathen Princes* and *their Laws*, as of *Christian*. And hitherto the *Dr.* strained this Point against the Meeting of *Christians*, prohibited by the *old Roman Laws*. (9.) But further, supposing a Convention Ecclesiastical without the *Christian Princes Warrant* to be against *his Laws*, the next Question is, whether it be a *Breach* of any *practical Duty*, *Conscience*, or *moral Obligation*, or only of a *Law purely Civil* and *Positive*? If the former, 'tis then a Sin against the Law of God, (which, as is abovesaid, is the *Dr's.* part to prove) if the *latter only*, then it obliges not the *Conscience* to *practical Obedience*, but only to *patient Submission* under the *civil Punishment*; which *Bishops*, *Priests*, and many *other Christians* may, and many times must yield to, in defence of those divine Rights and Authorities, which worldly Princes *forbid* by their *Laws*, and *civil Constitutions*. So that a *Prohibition merely Civil*, with a *Sanction* of *Penalty* against Ecclesiastical Synods, held without *Royal Warrant*, does not in *Conscience* Vacate the *Synodical Power* of the *Hierarchy*, but only *loads* it with a *temporal Affliction*, if there be no *breach* of *God's Law* in such Assemblings. What I have said upon the *supposed*

(9.) Auth. of Chr. Pr. p. 13.

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defect of such *Royal License*, *Warrant*, and *Allowance*, will hold also in the *supposed Defect* of a *Royal Command*. To which I must add a Remembrance to the *Dr.* that as *Lawful License alone*, without *Command* is sufficient to make a Procedure *Lawful*; so neither *Command*, nor *License alone* will give such a Procedure its *proper Authority*, which, as it is an *Habit*, or *habitual Right*, antecedent to the *Procedure*, (which is but the *Act* and *Exercise* thereof) so must it be founded in some *Commission*, deriving it from a *Superior*, to an *inferior Minister*, to Act in *his Name*. Whereas a *mere Command*, or *License* reaches not to the *habitual Authority*, but only to the *actual Procedure*, and *Exercise* thereof. (10.) So that to his proper Purpose, the *Dr.* ought to have Stated the *negative Part* of *this first Article*, thus; *that Synods cannot be Convened by any Authority, without what is granted them by the Commission of Christian Princes*; for this being his Principle, ought so to have been Stated, and inferred from his *Historical Instances*; which yet, I fear, put all together, will not warrant such a *Conclusion*, or *Opinion*. But however, as the *Dr.* has formed *his Notions*, and *their Expressions*, I think what has been said, has discovered, not only the *Falshood*, but the *Insufficiency*, and *Impossibility* of Truth in his *first Negative Aphorism*, which makes up the *latter* part of *this Article*.

(10.) *See above Ch.* 2. §. 6.

§. 7. It had been undoubtedly of much greater Weight and Credit, as to have Stated *his Article* consistently, so to have produced the Judgment of the *Primitive* and *Catholick Fathers*, and *Councils*, (which the *Dr.* stoutly pretends to in his second Dedication) in its Favour, asserting the *same Right* to *Christian Princes*, *Exclusively* of the *Priesthood*. But since he has hitherto failed herein, I expect he will not disappoint us hereof in his Answer to this Book. In the mean time let us see, what *more modern* Authority he has alleged upon this *negative Part* of the *Article*. Now, among all the publick Declarations of our Church, since the Reformation, there is but one, that expresses her Sense upon *this Article*, namely, the Third *Paragraph* of the *first Canon*, 1640, produced by the *Dr.* in *his Appeal*, (11.) and by the *Man of some Thoughts*; (12.) wherein it is asserted, that *the* Power *to* call *and* dissolve Councils, *both* National *and* Provincial, *is the*

(11.) *p.* 80.
(12.) *p.* 12.

¶ *Dr. W.* therefore not of ours only, nor by the Stat. of *H.* 8. *Mun. Eccl.*

* *Dr. W.* Therefore not by a Divine Unalienable Right, which they had so to do. (13.) *App. p.* 79.

† *Then it was more than the private Judgment of the Composers.* (14.) *Ibid. p.* 81.

¶ true Right ¶ *of* all Christian Kings *within their own Realms and Territories. And when in the first Times of Christ's Church* Prelates *used* this Power, *'twas therefore only,* * *because in those days they had no* Christian Kings. *The Authority hereof,* the *Dr.* says, *he will not assert*; why so? That he may not anger the *civil Powers.* But he thinks fit to adduce it only as an Evidence of the *private Judgment* of those that Composed these *Canons*; (13.) but after a little more heat, *he doubts not to affirm it the real Sense of the Church of* England *in those Days*; † (14.) and so with a vast *nixus*, hereupon he thinks utterly to oppress me. Hereupon in my *third Letter* to him of *August* 3, 98. I observed to him, that *this Canon* at the most asserts *but two* of his *nine Aphorisms*, viz. the *first*, and the *ninth*, and consequently does not own the *other seven*, as *Points* of our *publick Doctrine*, on any bottom whatsoever, tho' my Adversaries have the Face to assert them so. To which the *Dr.* replies in *his* of *Aug.* 25th. following, that what *those Canons* of 1640, *define*, *we are not much concern'd to know*, i. e. when they seem'd to make *for him*, they were of *great Weight*; when *against him*, they are of *little Notice*, or *Concern.* I therefore have as much Right to throw them off *from me*, as the *Dr.* has to do so *from himself*; and, by his Favour, all the other more *private* and *personal* Opinions, were they pertinently and fairly oppos'd against me. But I have learn'd more Decency, than to contemn the *discountenanced* Acts of my Mother, especially in *Doctrinal Decisions*, while we are in quest, not so much of their *Canonical Authority*, as *Internal Truth*, which neither *does*, nor *can* alter at publick Pleasure. This *Paragraph* of of the *Canon*, therefore either is *Wise*, or *Unwise*; if *Wise*, the *Dr.* ought not to have disdain'd it; if *otherwise*, not to have objected it. Now in Order to a right Stating the sense hereof, it is necessary to consider the *Principle* opposed *to* it, and *by* it in the *Puritans* and *Papists*, namely, that *Christian Kings can have no rightful Authority in any Case over the Church, to call, or dissolve Councils Ecclesiastical with a coercive Power*, concluding thus from the Authority, which *Prelates* or *Ministers alone* used, before there were any *Christian Kings*; which this *Canon* was designed very particularly to Confront, with an *Answer* to *that Argument* from the *first* Ages; and therefore no farther Intention is to be charg'd on the *Canon*, than that which the *opposite Persuasion*, and the *Letter* of the *Canon* against

The Principle and Argument of Puritans and Papists, Opposed by the third Paragraph *of the first Canon of* 1640.

againſt it doth require. The *Adverſaries* therefore *Excluded Kings from any ſuch rightful Authority, becauſe before there were any Chriſtian Princes, Prieſts alone uſed it.* To oppoſe which, the *poſitive Truth* of this *Paragraph alone* ſufficeth, that *Chriſtian Princes have ſuch Right*, and the *Inference* againſt it, from the *ſole uſe* of it by *Prieſts* before there were any *Chriſtian Princes*, is declared not good; for had there been any *ſuch Princes* more early, *Prieſts* in thoſe more early Times, would not [alone] have uſed it, and therefore are not now to Arrogate it to themſelves *ſo peculiarly*, as to *Exclude Chriſtian Princes* upon ſuch *Pretence*, or *Argument*. This being enough to anſwer the *Deſign*, and *Grammatical Structure* of the *Canon*. I ſee no Reaſon to ſtretch it further to an *Excluſion* of the *Epiſcopal Authorities* herein under *Chriſtian Princes*. Our Laws indeed have done ſo for *our King*, and the *Intereſt* and *Favour* of *our Kings*, have ever been very Influential upon our Convocations to promote *Royal Pretenſions* to the utmoſt, as far as Truth would poſſibly permit, even perhaps in *Self-denial*, and *Neglect* of *their own*; (for which the had no ἐγκώμια) but yet we cannot think this laſt ſo very Zealous, and Loyal Convocation ſo very Profuſe, Prodigal, and Imprudent, as to extend all the Claims of our Kings, *Engliſh Authority* over Synods to *all Chriſtian Kings*, but to Aſſert only to *all ſuch Kings*, what *Puritans* and *Papiſts* Injuriouſly *denied* to *all ſuch Kings*, in the *calling* and *diſſolving* of Councils upon juſt and equal Reaſons, which alone on all ſides give a *ſacred Right* in *theſe*, as in *all other Points* of *Eccleſiaſtical Conduct*. It will, no doubt, be pretended, that the Form of the *Canon* aſſerting THE POWER, &c. To be THE TRUE RIGHT of *all Chriſtian Kings*, which the Prelates *of old uſed* ONLY, *becauſe there were no* Chriſtian Kings, ſeems *emphatically* to exclude the *ſame uſe* of the *ſame Power* in *Prelates* afterwards, and that in Conformity and Favour to our preſent Conſtitution; the *prepoſitive Article* [THE] being *formally Proprietary* and *Excluſive*. But againſt this I deſire it may be well conſidered, whether ſo Wiſe, Great, Learned, and ſincere a Body can be ſuppoſed to lay ſo *great* a Streſs on ſuch a *little Criticiſm*, and *prepoſitive Article* only, had their Deſign been to load the Conſcience of the Clergy with a Doctrine herein *expreſly Excluſive* of Epiſcopal Power, which yet any Man may evade, and deny in this *Canon*, for want of *greater*, and

By Oppoſition to which the Canon is to be interpreted.

Not Excluſively againſt the Right of Biſhops.

The formal Structure of the Canon.

¶ *Dr. W.* therefore not of ours only, nor by the Stat. of *H.* 8. *Mun. Eccl.*

* *Dr. W.* Therefore not by a Divine Unalienable Right, which they had ſo to do. (13.) *App. p.* 79.

† *Then it was more than the private Judgment of the Compoſers.* (14.) *Ibid. p.* 81.

¶ *of* true Right all Chriſtian Kings *within their own Realms and Territories. And when in the firſt Times of Chriſt's Church* Prelates *uſed* this Power, *'twas therefore only,* * *becauſe in thoſe days they had no* Chriſtian Kings. *The Authority hereof,* the *Dr.* ſays, *he will not aſſert*; why ſo? That he may not anger the *civil Powers.* But he thinks fit to adduce it only as an Evidence of the *private Judgment* of thoſe that Compoſed theſe *Canons*; (13.) but after a little more heat, *he doubts not to affirm it the real Senſe of the Church of* England *in thoſe Days*; † (14.) and ſo with a vaſt *nixus,* hereupon he thinks utterly to oppreſs me. Hereupon in my *third Letter* to him of *Auguſt* 3, 98. I obſerved to him, that *this Canon* at the moſt aſſerts *but two* of his *nine Aphoriſms,* viz. the *firſt,* and the *ninth,* and conſequently does not own the *other ſeven,* as *Points* of our *publick Doctrine,* on any bottom whatſoever, tho' my Adverſaries have the Face to aſſert them ſo. To which the *Dr.* replies in *his* of *Aug.* 25th. following, that what *thoſe Canons* of 1640, *define, we are not much concern'd to know,* i. e. when they ſeem'd to make *for him,* they were of *great Weight*; when *againſt him,* they are of *little Notice,* or *Concern.* I therefore have as much Right to throw them off *from me,* as the *Dr.* has to do ſo *from himſelf*; and, by his Favour, all the other more *private* and *perſonal* Opinions, were they pertinently and fairly oppos'd againſt me. But I have learn'd more Decency, than to contemn the *diſcountenanced* Acts of my Mother, eſpecially in *Doctrinal Deciſions,* while we are in queſt, not ſo much of their *Canonical Authority,* as *Internal Truth,* which neither *does,* nor *can* alter at publick Pleaſure. This *Paragraph* of of the *Canon,* therefore either is *Wiſe,* or *Unwiſe*; if *Wiſe,* the *Dr.* ought not to have diſdain'd it; if *otherwiſe,* not to have objected it. Now in Order to a right Stating the ſenſe hereof, it is neceſſary to conſider the *Principle* oppoſed to it, and *by* it in the *Puritans* and *Papiſts,* namely, that *Chriſtian Kings can have no rightful Authority in any Caſe over the Church, to call, or diſſolve Councils Eccleſiaſtical with a coercive Power,* concluding thus from the Authority, which *Prelates* or *Miniſters alone* uſed, before there were any *Chriſtian Kings*; which this *Canon* was deſigned very particularly to Confront, with an *Anſwer* to *that Argument* from the *firſt* Ages; and therefore no farther Intention is to be charg'd on the *Canon,* than that which the *oppoſite Perſuaſion,* and the *Letter* of the *Canon*

The Principle and Argument of Puritans and Papiſts, oppoſed by the third Paragraph of the firſt Canon of 1640.

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againſt it doth require. The *Adverſaries* thefore *Excluded Kings from any ſuch rightful Authority, becauſe before there were any Chriſtian Princes, Prieſts alone uſed it.* To oppoſe which, the *poſitive Truth* of this *Paragraph alone* ſufficeth, that *Chriſtian Princes have ſuch Right*, and the *Inference* againſt it, from the *ſole uſe* of it by *Prieſts* before there were any *Chriſtian Princes*, is declared not good; for had there been any *ſuch Princes* more early, *Prieſts* in thoſe more early Times, would not [alone] have uſed it, and therefore are not now to Arrogate it to themſelves *ſo peculiarly*, as to *Exclude Chriſtian Princes* upon ſuch *Pretence*, or *Argument*. This being enough to anſwer the *Deſign*, and *Grammatical Structure* of the *Canon*. I ſee no Reaſon to ſtretch it further to an *Excluſion* of the *Epiſcopal Authorities* herein under *Chriſtian Princes*. Our Laws indeed have done ſo for *our King*, and the *Intereſt* and *Favour* of *our Kings*, have ever been very Influential upon our Convocations to promote *Royal Pretenſions* to the utmoſt, as far as Truth would poſſibly permit, even perhaps in *Self-denial*, and *Neglect* of *their own*; (for which the had no ἐγκώμιον) but yet we cannot think this laſt ſo very Zealous, and Loyal Convocation ſo very Profuſe, Prodigal, and Imprudent, as to extend all the Claims of our Kings, *Engliſh Authority* over Synods to *all Chriſtian Kings*, but to Aſſert only to *all ſuch Kings*, what *Puritans* and *Papiſts* Injuriouſly *denied* to *all ſuch Kings*, in the *calling* and *diſſolving* of Councils upon juſt and equal Reaſons, which alone on all ſides give a *ſacred Right* in *theſe*, as in *all other Points* of *Eccleſiaſtical Conduct*. It will, no doubt, be pretended, that the Form of the *Canon* aſſerting THE POWER, &c. To be THE TRUE RIGHT of *all Chriſtian Kings*, which the Prelates *of old uſed* ONLY, *becauſe there were no* Chriſtian Kings, ſeems *emphatically* to exclude the *ſame uſe* of the *ſame Power* in *Prelates* afterwards, and that in Conformity and Favour to our preſent Conſtitution; the *prepoſitive Article* [THE] being *formally Proprietary* and *Excluſive*. But againſt this I deſire it may be well conſidered, whether ſo Wiſe, Great, Learned, and ſincere a Body can be ſuppoſed to lay ſo *great* a Streſs on ſuch a *little Criticiſm*, and *prepoſitive Article* only, had their Deſign been to load the Conſcience of the Clergy with a Doctrine herein *expreſly Excluſive* of Epiſcopal Power, which yet any Man may evade, and deny in this *Canon*, for want of *greater*, and

By Oppoſition to which the Canon is to be interpreted.

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The Particle *THE not always* Excluſive, *but ſometimes* Eminential *only.*

(15.) 1 *Sam.* 10. 12.

(16.) *nor*

(16.) *nor* in it any *Colledge*, or *Fraternity*, *Secular*, or *Religious*, managing it self *Conciliarly*: And this Place afterward admits a *Magistrate* to defend their Liberties from *Mischiefs* within, and *Danites* without; and hereupon such *Magistrate* Convenes such *Fraternities*, and puts them on Prosecution of their own Business; this might well be done without *Excluding* the former ordinary Right of Convening themselves on their old Title, and in their old Forms. And this Practice in the new Magistrate might be well defended in the Form of this *Paragraph* † in this *Canon*, provided it were not intended to an *Exclusion* of the *former Powers* and *Rights* of *such Fraternity*, which *such new Magistracy* was Instituted to *preserve*, not *Exclude*. Suppose a transcendent Right in our Kings to Convene the *University Convocations*, or *Councils Corporate*, seldom used however, and so seeming obsolete. Upon some extraordinary Impulse, Cause, or Pretension the King actually Convenes them; and an offended Party denies his Right, saying, that *Vice-Chancellors*, and *Mayors* [alone] *ever called them in all their Days, and the Days of their Fathers*, might it not be well said, THE POWER of *calling* University Convocations, or Corporate Councils, *is the* TRUE RIGHT *of Kings*, not *Excluding* hereby the *ordinary Power* of Vice-chancellors, and Mayors? Now as in such Instances, there would be a *peculiar Eminence* in King's to Convene, even the *ordinary Conveners* of *those Subject Societies*, without *Excluding* their *ordinary Rights*; so is it in our Case of the Kings *Convening*, not only *our Synods*, but their *ordinary Conveners* also, *Primates*, *Metropolitans*, or *others*, who before *Christian Kings* Supervened, had the *ordinary Supremacy* of this Authority herein in themselves, whereas under *Christian Kings*, tho' their *ordinary Authority* to convene Synods remains, yet not the *Supremacy*, because they themselves are Subject to the Convocation of the *Christian Prince*, who has an *Ordinary*, and *Supreme Authority* to take Care for the Church, and all Orders in it, and so to *Convene*, tho' not to *hinder* their *Conventions*. Which as this *Paragraph* fully expresses, so it expresses no more; in the Sense of a *transcendent Eminence* in such Princes, but not of *Exclusion* of the *Primitive Right* of *Prelates*; the *Authority* of the *Prince moving*, but not *destroying* that of the *Priest*.

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This Note may be probable, but I insist not on it as certain, as I do on the former Interpretation.

But there is one thing farther to be considered, *viz.* What sort of Synods *this Convocation* had in their Eye; namely, such as ours, such as were to have a *civil* Effect also upon the Subject, as well as *Canonical*; which is what the *Puritans* and *Papists* challenge to their Synods *exclusively* of *Royal Authority* and *Consent*; now of such there can be no doubt, but that even *Originally*, and *Anteeedently to any contracted Forms*, King's *alone* have the TRUE RIGHT of calling *such*, *exclusively* of *Prelates*. That therefore *Prelates* [alone] *used the Power of calling Councils of old, it was because there were no Christian Kings*; what to do? Why, to give them a *civil Sanction*, and *Efficacy* also. Whereas, had there been sooner in the Church such Kings, to have given such Authority to the Councils, the convening Power would have been *solely* in the Kings, not in the Prelates, I say, on the *Supposition* of a *civil Sanction* to be given them, but not otherwise; the *ordinary Power* of *convening* Synods, *purely Spiritual*, being ever in the *Hierarchy*, not *Exclusively of*, nor *Exclusible by* any Princes whatsoever by *mere arbitrary Pleasure*, and *without Contract* of the Church. And this I take to be all that can be conceived fairly in the Intention of that Convocation, touching the *preceptive Powers*, and *Forms* of *calling* National, and Provincial Synods, common to Christian Princes and Prelates, tho' with Subordination of the Prelates herein to the *Call* and *Precept* of Princes. But if we go on further to the Consideration of the *Powers Coercive* in *Kings* and *Prelates*, these are not only *gradually*, but *specifically* different, *viz.* *Secular*, and *Spiritual*; tho' neither of them *Exclusive* of each other. But of the *coercive Power* (of King's, I am confident) the *Canon* seemingly had no regard; because Prelates *never used it before there were any Christian Kings*, of which only the Canon speaks; which therefore must be *simply*, and *only* the *preceptive Power*, obliging the *Conscience* to *practical Obedience*, without the *Coercives* that bind over to different, quite different Penalties. Confining therefore the Sense of the *Canon*, merely to the *preceptive Power*, common to Kings and Prelates, my Observations will be confirmed by the *Dr*'s own Concessions, that upon *cogent Necessities*, if the *Christian Prince* will not, the *Bishops*, or *the Church*, may Convene them; (17.) which cannot possibly be, if this *convening Power be Originally in the Christian Prince alone*, and *from him alone derived to the Church, by the express Concession of such a Prince*; except he be of the *Observator's* Fancy, that upon his Default of such

The Coercive Power of Kings and Prelates specifically different.

(17.) Auth. of Chr. Pr. p. 43. 267, 268.

2

a Prince, there follows a *Devolution* of this his Power to the Church; (which yet is no *Concession*,) (18.) which will put him upon great Difficulties. For first, it will put the Prince's Conduct under the Judgment of the Church; which yet the *Dr.* expresly denies in *several* of *these Articles*. Secondly, it will render the Christian Prince *inferior* to the Church in this Power; because, Thirdly, upon this Supposition the Prince is liable to the *loss* of his *Supremacy* and *Power* herein for want of use, which then passes to the *Hierarchy*. So that this Concession of the *Dr*'s. to the Church in Cases of *Exigence*, cannot consist with his *Principle*, that *the convening Power is alone originally in Christian Princes, and from them alone derived unto Priests by Concession*; nor can it stand good, but upon the Truth by me asserted, namely, that *Christian Kings and Prelates both have an ordinary Authority of convening Synods, tho' of different* Eminence, *and with Powers of Coercion specifically different, which either of them may use, if the other neglect, or refuse, in Provision for the Churches Necessities*. And if this will content the *Dr.* we will here willingly close up the Controversie herein. For if Councils be called, whensoever the Church needs them, it is all one to me, and (I believe) to the Church, *who 'tis* calls them; only if Kings will not, that the Bishops may; and then we are not concern'd for any *other* Power in *Kings*, or *Prelates* to *Convene* them, when there is *no need*; only I would have the last Chapter well remembred, that *those Needs ever were, and ever will be frequent*, and that there is *one constant Need*, that there should be *frequent Synods* to enquire if there are *any Needs*, and what they are, and how to be relieved.

(18.) *Obs.* *p.* 18.

§. 8. But it is farther to be noted, that tho' *Convening* be *Essential* to a Synod, or Council, yet all the *preparatory Means* and *Methods* thereunto are not so, The Accord, or Canon of Bishops within themselves, (where there are Bishops) and their *Precepts* to the Clergy hereunto, originally are *essentially necessary* to Constitute their *Convention* a *canonical Synod*. But the *Commands* of *Princes*, tho' they may *enforce* a Convention, yet are not *internally Constitutive* of the *synodical Forms*, and their *canonical Powers*, (which are *purely Spiritual*) as appears by those, that were not called by them, as well under *Christian*, as *Unchristian* Reigns. Now the *Authority* of a *canonical* Synod is *Essential* thereto, and therefore cannot be derived from that Power, or its Acts, without which a Synod may *validly* and *entirely* exist in all its *spiritual Perfections*, and

Episcopal Summons necessary to a canonical Synod; but the Regal not so.

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2

a Prince, there follows a *Devolution* of this his Power to the Church; (which yet is no *Concession*,) (18.) which will put him upon great Difficulties. For first, it will put the Prince's Conduct under the Judgment of the Church; which yet the *Dr.* expresly denies in *several* of *these Articles*. Secondly, it will render the Christian Prince *inferior* to the Church in this Power; because, Thirdly, upon this Supposition the Prince is liable to the *loss* of his *Supremacy* and *Power* herein for want of use, which then passes to the *Hierarchy*. So that this Concession of the *Dr*'s. to the Church in Cases of *Exigence*, cannot consist with his *Principle*, that *the convening Power is alone originally in Christian Princes, and from them alone derived unto Priests by Concession*; nor can it stand good, but upon the Truth by me asserted, namely, that *Christian Kings and Prelates both have an ordinary Authority of convening Synods, tho' of different Eminence, and with Powers of Coercion specifically different, which either of them may use, if the other neglect, or refuse, in Provision for the Churches Necessities*. And if this will content the *Dr.* we will here willingly close up the Controversie herein. For if Councils be called, whensoever the Church needs them, it is all one to me, and (I believe) to the Church, *who 'tis* calls them; only if Kings will not, that the Bishops may; and then we are not concern'd for any *other* Power in *Kings*, or *Prelates* to *Convene* them, when there is *no need*; only I would have the last Chapter well remembred, that *those Needs ever were, and ever will be frequent*, and that there is *one constant Need*, that there should be *frequent Synods* to enquire if there are *any Needs*, and what they are, and how to be relieved. (18.) *Obj.* p. 18.

§. 8. But it is farther to be noted, that tho' *Convening* be *Essential* to a Synod, or Council, yet all the *preparatory Means* and *Methods* thereunto are not so, The Accord, or Canon of Bishops within themselves, (where there are Bishops) and their *Precepts* to the Clergy hereunto, originally are *essentially necessary* to Constitute their *Convention* a *canonical Synod*. But the *Commands* of *Princes*, tho' they may *enforce* a Convention, yet are not *internally Constitutive* of the *synodical Forms*, and their *canonical Powers*, (which are *purely Spiritual*) as appears by those, that were not called by them, as well under *Christian*, as *Unchristian* Reigns. Now the *Authority* of a *canonical* Synod is *Essential* thereto, and therefore cannot be derived from that Power, or its Acts, without which a Synod may *validly* and *entirely* exist in all its *spiritual Perfections*, and *Episcopal Summons necessary to a canonical Synod*; *but the Regal not so.*

therefore not from the *ſecular Powers*, or *their Injunctions*. And finally, *this Paragraph* of *this Canon* can be warranted only in *ſuch a Senſe* as agrees with *that* of the *Ancient* and *Catholick* Church; and ſure I take my ſelf to be, that their *Catholick Senſe* was, *that Princes may require Synods to good Ends, but not Exclude, or Inhibit the Biſhops from calling them to good Ends; merely on the Right of their Chriſtian Magiſtracy, when required by the Canons, or Exigencies of the Church*, as I hope will appear in due Place very particularly, beſides the Advantage I have at preſent from the *Dr*'s. own Conceſſion. Upon which Suppoſition, this part of the Canon will be true for the Right of all Chriſtian Kings *Affirmatively* and *Poſitively*, as for themſelves, but not *Negatively* and *Excluſively* againſt Biſhops.

The Canon only warrantable in a Senſe agreeable to that of the Catholick Church.

§. 9. Nay, either this muſt be the true Senſe of this *Canon*, or elſe the *Dr.* ſtands as much againſt it as my ſelf. For he does not make the *actual Command*, or *Precept alone* of the Chriſtian Prince, neceſſary to the *lawful Convention*, and *Authority* of Synods, but admits their *mere Allowance* as ſufficient. Now if a Prince only allows a Synod, ſome Power elſe muſt actually *call* it; and that *Authoritatively*, if the *Call* oblige to *Obſervance*. So that, tho' a *Prince* has a *Right* to *Call*, ſome *other Order* of *Perſons* may have *ſome ſuch original Right* alſo, when the Prince either *does* not *call*, but only *allow*, or when he *will* neither *call*, nor *allow* them upon *cogent Exigences*. And therefore when the *Dr.* alledges from *ſome* of our own Writers, *that to Chriſtian Princes belongs the* ſole Right *of* calling *Synods*, (19.) he brings them as much againſt *himſelf*, as *me*, and *thoſe others* of his own Authors, who own his Power common to Prince and Prelate, tho' *Subordinately*. (20.)

The Dr's. Notions juſtify mine herein.

(19.) *App. p.* 57.

(20.) *Dean Nowel. ap. App. p.* 48.

§. 10. But here is another thing *Fundamentally* and *Critically* to be obſerved for the right underſtanding the Senſe of our Authors in this Controverſy; that they conſider Synods, as *Aſſemblies engaged for the Ordaining of Eccleſiaſtical Laws to be enforced with a civil Eſtabliſhment*, which Power *Papiſts* and *Puritans* arrogate only to the Church, Subjecting the civil Powers to a dutiful Obligation of ſupporting her Conſtitutions with *civil Sanctions* and *Proceſſes*, and that under Peril of *Excommunication*, and perhaps (when they dare) of *Depoſition*, and in order thereunto of *Wars* and *Rebellions*, from *without* and *within*. In Oppoſition to which Bloody, Wicked, and barbarous Principles our Worthies ground all the Power of making ſuch

The Principles which our Authors oppoſe and defend in their Writings on this Subject.

ſuch Laws, and Convening ſuch Synods as are *legally* Impowered to *Compoſe* and *Conſtitute* them, in the *Chriſtian Prince* of *common Right*, whoſe *civil Powers* and *Acts* are not *de jure*, ſubject to the Order and Authority of Synods; but every Synod, that will be *civilly* Eſtabliſhed, muſt ſubmit to the *civil* Authority, in order to that End, as to their *Convention*, *Continuance*, and *civil Ratification*. This appears generally thro' all the *Dr*'s. Quotations in his Appeal, and much more in many important Places omitted by the *Dr*. for Reaſons beſt known to himſelf. And in the hot Purſuit of ſuch a good *Hypotheſis*, it is no wonder, if Men ſometimes (eſpecially when any wiſe engaged) run out into ſome Extremities, and Looſeneſſes of Expreſſion, upon a Subject of ſuch depth, and difficulty; that will not hold Water without ſome qualifying Reduction. But had they been to have conſidered the Synodical Powers abſtractedly from all *civil* Intereſts and Unions, as they ſometime ſubſiſted, as well *under*, as *before* the *Chriſtianity* of the *Empire*; it cannot be imagined, that ſuch Poſitions ſhould have been advanced by any conſidering and unbiaſs'd Author, as would have *Excluded* the *ordinary Right* of *Prelates* in theſe Matters. And therefore as dangerous as I am, I do not allow our (or any) Church any *Right* of *Convention*, or *Acting*, in order to *civil Eſtabliſhment*, *againſt*, or *without* the *Conſent* of the *civil Powers*, let her *Exigencies* be never ſo great, and the *Prince* never ſo croſs-grain'd. And therefore the Conceſſion, given hereunto by the *Dr*. to the Church againſt our King, (21.) ſimply in it ſelf is too groſs and unreaſonable, as well as contrary to our Law; except it be reſtrained to *Operations*, *Effects*, and *Priviledges purely Chriſtian*. For when Princes will not grant *civil* Intereſts, the Church cannot claim them of her ſelf as her due; but muſt be content with her *pure and ſimple Rights*, and *Offices Eccleſiaſtical*; and can meet to no other End, and on no other Pretence, and, if Perſecuted hereupon, muſt bear it with Patience, Meekneſs, and Charity, even to the oppreſſing Powers, to ſecure the *holy Doctrine* of the *Croſs*, as the chief *Depoſitum*, *Teſt*, and *Touch-ſtone* in Chriſtianity; and Princes againſt all Jealouſies of Rebellious *Croiſades*, or *Inſurrections*, tho' Perſecuting and Afflicting her for conſtant Adherence to her *Powers* and *Duties*. Otherwiſe, tho' *Affliction* of us on the account of ſuch Piety, be a *formal Perſecution*, yet *Deſtroying* us for *Rebellion* will be a very *juſt Vengeance*; which having been ſo often ſug-

(21) Auth. of Chr. Pr. p. 43. 267, 268.

The Church has no Right of her own to civil Intereſts.

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gested in the *Municipium*, and so avowedly professed here, will be a sufficient Defence against all those calumnious Impeachments or Suspicions of Rebellion, which have been clap'd upon me.

The Canon 1640, not fairly extensible to Heretical and Unbaptized Princes.

§. 11. But before we utterly leave this *Canon*, it is finally to be remembred, that it assigns this Power only to *Christian Princes*, and in this Respect must be Interpreted by the Sense of the Second Canon, 1603, which cannot well be extended to *Heretical*, or *Unbaptized* Princes. And therefore when the *Facts* of such Princes are instanced by any Writers upon this Argument, we are carefully to observe how far they go, or how far they may fairly go. It is the usual Pretence of the *Papists* and *Puritans*, that the Emperors did not *in Fact* call the *General*, or *any other* Councils on presumption of their own *Imperial* Authority, but the *Ecclesiastical*: In this Case we shall find our Worthies reckoning up all the Emperors, good and bad, acting on their *own alone pretended Authority*; and so *Heretical* Princes are thrown into the lump to over-ballance the contrary false Pretensions *in Fact*; which is a way to refute the Adversaries *ex abundanti*, and a Method feasible. Nay, the *Submissions* of the ancient Church to *some tolerable heretical Usurpations*, in point of *Prudence*, or *Duty to God's Honour*, or *the Christian State*, may be well adduced for such like *Submissions* in latter, or the present Ages, without ascribing *Right* and *proper Authority* to the *Usurpation* submitted to. *To him that smiteth me on one Cheek, I must turn the other also*; that is, bear a second Injury of that kind, rather than meditate, or act Revenge. *With him that presses me for one Mile, 'tis my Duty to go two*, rather than resist and inflame the Evil; but this in *Duty to God*, and *other Obligations*; not to the *supposed Right* of the *Oppressors*, who may have an *Impunity* in doing Evil, but can have *no Right*. And farther than this, I suppose it is not fit to extend Bishop *Andrews* his Words, Cited by our *Dr.* that *'tis a Point to be considered, that even then, when the Emperors were professed* Arians, *even then did the Bishops acknowledge their Power to call Councils; come to them, being called; sued to them that they might be called.*——*And sometimes they sped,*——*and sometimes not. And yet when they sped not, they held themselves quiet, and never presumed to draw together of their own Heads.* (22.) The Form and Design of which Argument is this, *if Prelates so quietly submitted to the imperial Power of* Arians, *(not that Arian, and Catholick Emperors have the same ordinary Right and Authority in Church Matters, but) much more did they, and were so to do to Catholick*

(22) Serm. of Assemb. ap. App. p. 63.

His words accounted for.

tholick Emperors, who have a much better Authority. But the Prelates acknowledged to Arian Princes *the Power of calling Councils.* What formally as *Arian*? Not so; but on a *contrary Supposition* of that *Friendship* to the Church, or the *Catholicism* they did pretend to. *They sue to such Emperors to call such Councils*; that may be done in *diverse Forms*; as by way of *Challenge*, to *Gratify*, or *Satisfy* them, in a way not otherwise *due* to their *imperial Authority*, while at *open Enmity*; and that may be *Authoritatively* done, even by an *Heretical* Emperor, at the *Request* of the *Bishops*, which *without it* might not have been so; or thirdly, such a Petition *virtually supposes*, or *desires* him to lay aside his *heretical Enmity*, and as a good *Convert* and *Catholick* to *call* such Councils. *That they came to them, when called by* Arians, it cannot be proved that they did so in *Conscience* to *their just Authority*, but only in *Patience* under an *Injury*, as they did, who according to our Saviour's Prediction *were to be brought before* King's and Councils *for his Name's sake, and to confess him before Men*; and so made capable of doing good, by submitting to an *injurious Domination.* (23.) *That when they were denied the Councils desired, they drew not together of their own Accords*, argues *no such Negative* Authority in *heretical* Princes over all Conventions; for these desired were for the most part *general only*, which indeed the Church cannot *Command* without the *Command*, or *Will* of Princes, of what Religion soever, and therefore might fairly be desired of an *ill* Emperor, in Manner and Intention aboveſaid; which yet such *Ill*, or *Irreligious* Emperor has no proper Authority *of himself alone, without the Consent of the Church* to Convene; since Profane and Irreligious Persons have no Right to handle or approach things Holy, till they have purged themselves of their Impiety. Nor can (I believe) an Instance of any Note be produced of Bishops, desiring *Heretical* Emperors to all Provincial Synods, which were in their own *ordinary* and *canonical* Power; or if any be producible, it can argue only a *Desire* of a *due Liberty*, not an *Authority*, or *undue Grace.* And after such *Denial*, no wonder if they *sate quiet*, and *lay wary*, not out of *Conscience* to the *Authority* of *heretical* Princes, but to avoid greater Evils, *well Husbanding the Time, when the Days were Evil.* Farther than this we cannot safely go in favour to any such imagined proper Authority in *heretical* Princes *as such*; left we bring in *Heathen* Princes into the *same Form* and *Plenitude* of this *ordinary Authority*, and that as *Heathens*. They all may, no doubt *do good* to the *Christian Church* in promoting our Coun-

(23.) *See M. E. Par.* 1.159, &c.

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Councils, tho' not *ordinarily obliged* so to do, as *Catholick Princes* in *Conscience* are, but to *Restrain*, or *Inhibit* them, no doubt the *Heathen* and *heretical* Princes can have no *direct*, or *proper* Authority, *Ordinary*, or *Extraordinary*. Let us then consider what *positive* Authority, even Heathen Princes may *have*, and *use* in the Matter of Synods to the *Good* of the Church. And certain it is, that they may *allow* such Synods, in the *same Words*, and to the *same Ends*, as amply as any Christian Prince can do, with the *same Priviledges*, and under the *same Obligations*. Now, then, if the *express Allowance* of the *Christian Prince* derives from *that Prince* a *proper* Authority to the Priests to Synodize; then an *Allowance* altogether of the *same Form* by *Heathen Princes* will be of the *same Virtue* and *Efficacy*. And so, if the *non Allowance* of the *Christian* Prince *precludes* the Priests from a *Right* of Synodizing, the like *Non-allowance* in *Heathen* Princes will do so too; a Consequence, as sound in it self, so not at all to be denied by such as equal the Authorities of *Heretical* Princes herein with those of *Catholicks*; because *Heathens* have as much Pretence as Hereticks. This then must be the fatal Consequence of these two Errors, in deriving Synodical Authority to the Prelates from the *mere Allowance* of the *Christian* Prince, and in reckoning *heretical* Princes as *Christian* to their *equal Property* in Authority over Synods, with those that are *Catholick*; by which also are overthrown *those Rights* of Assembling, which the *Dr.* grants to the Church *under Princes of another Persuasion, not conceding, or allowing any such Assemblies to the Church.*

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(24) Auth. of Chr. Pr. *p.* 266.

§. 12. Pass we now to the Dr's. *second Article* for the *Rights* of *Christian* Princes in *Convening* Councils, *viz. That these* Princes, *and not the* Clergy *are* Judges, *when it is proper to Convene them, and ought not to be censur'd for not Assembling them, when they are persuaded it is* needless, *or* inexpedient *for them so to do.* Now *this Article*, consisting of *two Parts*, or *Propositions*, must be considered accordingly. And first I take it for granted, that the *Judgment* spoken of in the former *Proposition*, is not of *Private Discretion*, but *authoritative Determination*; for I suppose the *Dr.* will not deny, even to *private Men*, much less to the *Body* of the

The Second Article examined.

Clergy

Clergy, a *private Judgment* of *unactive Opinion*, not opposed in Bar to the Prince's *superior Authority*. And hereupon I cannot yield this *Proposition* to be true of *all* Synods, particularly not of *such*, whose *Terms* are *validly*, and *Canonically fixed* and *Stated*, nor of *such Occasional*, and *pure* Synods as Bishops may *confessedly* Convene on the *Neglect*, or *Refusal* of *Christian* Princes in *great* Exigences, or otherwise on their own *ordinary Ecclesiastical Office*. For such as there have been, so there may again also be. But I concede it only of *such Synods*, as *Princes alone* can *Institute*, or *convene Authoritatively*; I mean, *mixt*, and such Councils, which are called *General*, either in a *greater* or *less*) *Latitude* and *Propriety*; which no *Popes*, nor *Patriarchs*, or *Prelates*, can of *due* or *primitive Right*, *Canonically Command* without the *Commandment* or *Will* of Princes. (25.) For the Time of *Stated Synods*, being *validly fixed*, leaves no room for *Doubt*, or consequently for any *particular Judgment* hereupon; and therefore are of the most *excellent Use* and *Necessity*, to prevent such *Doubts*, that otherwise would be so involved, Litigious, and Detrimental to the Interests Ecclesiastical. And for such as Bishops may on their *own proper Office*, and *fit Occasions* Convene, they *themselves* must Judge the *Reasons*, and *Seasons*; and the *Dr.* himself, allowing that on the *Omissions* of *Christian Princes*, and the *Churches Exigencies*, Bishops may convene Synods; cannot make this *Allowance* good, but by *allowing* them an *Authoritative Judgment* of the *proper Times* and *Exigencies*. † Perhaps the *Dr.* will only allow Bishops this *authoritative Judgment*, when the Prince is *sensible of the Necessity, and shall voluntarily abuse his Authority* (26.) But if so, I shall reply from his own Words, that the *Churches Right* to *such Synods*, proceeds from a *Necessity of Relief by them* against such Disorders as are supposed *Notorious* and *Grievous*, whatsoever the Causes of them be, and not from the *Conscience* of the *Christian Prince*, who *neglects* to relieve her. The *unrelieved Exigences* on the *Dr.*'s Notions (not mine) found this Episcopal Right, whether the *Non-relief* proceed from the *Delirancy*, or *Ignorance*, or *Malice* of the *Prince*; this can make no odds; for why should the Church suffer without Relief under the Princes *Impotency*, more than under his *Malice*? Yet should we allow of this *Evasion*, it would not much amend the Matter, but it would bring not only the *Acts*, but the *very Conscience* of the *Christian Prince* under the *authorita-*

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It holds only in mixt *and* general *Councils.*

(25.) *Artic. of Relig.* 21.

† *See M. E. Par. I. p.* 169. 170.

(26) Auth. of Chr. Pr. *p.* 43. 268.

Councils, tho' not *ordinarily obliged* so to do, as *Catholick Princes* in *Conscience* are, but to *Restrain*, or *Inhibit* them, no doubt the *Heathen* and *heretical* Princes can have no *direct*, or *proper* Authority, *Ordinary*, or *Extraordinary*. Let us then consider what *positive* Authority, even Heathen Princes may *have*, and *use* in the Matter of Synods to the *Good* of the Church. And certain it is, that they may *allow* such Synods, in the *same Words*, and to the *same Ends*, as amply as any Christian Prince can do, with the *same Priviledges*, and under the *same Obligations*. Now, then, if the *express Allowance* of the *Christian Prince* derives from *that Prince* a *proper* Authority to the Priests to Synodize; then an *Allowance* altogether of the *same Form* by *Heathen Princes* will be of the *same Virtue* and *Efficacy*. And so, if the *non Allowance* of the *Christian* Prince *precludes* the Priests from a *Right* of Synodizing, the like *Non-allowance* in *Heathen* Princes will do so too; a Consequence, as sound in it self, so not at all to be denied by such as equal the Authorities of *Heretical* Princes herein with those of *Catholicks*; because *Heathens* have as much Pretence as Hereticks. This then must be the fatal Consequence of these two Errors, in deriving Synodical Authority to the Prelates from the *mere Allowance* of the *Christian* Prince, and in reckoning *heretical* Princes as *Christian* to their *equal Property* in Authority over Synods, with those that are *Catholick*; by which also are overthrown *those Rights* of Assembling, which the *Dr.* grants to the Church *under Princes of another Persuasion, not conceding, or allowing any such Assemblies to the Church.* (24.) So that upon the whole there appears no Authority producible for the justifying the *Dr's. first Aphorism*, that makes up the *negative Part* of his *first Article* on the *Head* of *calling Synods Ecclesiastical*, but he seems altogether bewildred in a Maze of inextricable Inconsistences and Contradictions.

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(24) Auth. of Chr. Pr. p. 266.

§. 12. Pass we now to the Dr's. *second Article* for the *Rights* of *Christian* Princes in *Convening* Councils, *viz. That these* Princes, *and not the* Clergy *are* Judges, *when it is proper to Convene them, and ought not to be censur'd for not Assembling them, when they are persuaded it is* needless, *or* inexpedient *for them so to do.* Now *this Article*, consisting of *two Parts*, or *Propositions*, must be considered accordingly. And first I take it for granted, that the *Judgment* spoken of in the former *Proposition*, is not of *Private Discretion*, but *Authoritative Determination*; for I suppose the *Dr.* will not deny, even to *private Men*, much less to the *Body* of the

The Second Article examined.

Clergy

Clergy, a *private Judgment* of *unactive Opinion*, not opposed in Bar to the Prince's *superior Authority*. And hereupon I cannot yield this *Proposition* to be true of *all* Synods, particularly not of *such*, whose *Terms* are *validly*, and *Canonically fixed* and *Stated*, nor of *such Occasional*, and *pure* Synods as Bishops may *confessedly* Convene on the *Neglect*, or *Refusal* of *Christian* Princes in *great* Exigences, or otherwise on their own *ordinary Ecclesiastical Office*. For such as there have been, so there may again also be. But I concede it only of *such Synods*, as *Princes alone* can *Institute*, or *convene Authoritatively*; I mean, *mixt*, and such Councils, which are called *General*, either in a *greater* or *less*) *Latitude* and *Propriety*; which no *Popes*, nor *Patriarchs*, or *Prelates*, can of *due* or *primitive Right*, *Canonically Command* without the *Commandment* or *Will* of Princes. (25.) For the Time of *Stated Synods*, being *validly fixed*, leaves no room for *Doubt*, or consequently for any *particular Judgment* hereupon; and therefore are of the most *excellent Use* and *Necessity*, to prevent such *Doubts*, that otherwise would be so involved, Litigious, and Detrimental to the Interests Ecclesiastical. And for such as Bishops may on their *own proper Office*, and *fit Occasions* Convene, they *themselves* must Judge the *Reasons*, and *Seasons*; and the *Dr.* himself, allowing that on the *Omissions* of *Christian Princes*, and the *Churches Exigencies*, Bishops may convene Synods; cannot make this *Allowance* good, but by *allowing* them an *Authoritative Judgment* of the *proper Times* and *Exigencies*. † Perhaps the *Dr.* will only allow Bishops this *authoritative Judgment*, when the Prince is *sensible of the Necessity, and shall voluntarily abuse his Authority* (26.) But if so, I shall reply from his own Words, that the *Churches Right* to *such Synods*, proceeds from a *Necessity of Relief by them* against such Disorders as are supposed *Notorious* and *Grievous*, whatsoever the Causes of them be, and not from the *Conscience* of the *Christian Prince*, who *neglects* to relieve her. The *unrelieved Exigences* on the *Dr.*'s Notions (not mine) found this Episcopal Right, whether the *Non-relief* proceed from the *Delirancy*, or *Ignorance*, or *Malice* of the *Prince*; this can make no odds; for why should the Church suffer without Relief under the Princes *Impotency*, more than under his *Malice*? Yet should we allow of this *Evasion*, it would not much amend the Matter, but it would bring not only the *Acts*, but the *very Conscience* of the *Christian Prince* under the *authorita-*

It holds only in mixt *and* general *Councils.*

(25.) *Antic. of Relig.* 21.

† *See M. E. Par. I.* p. 169. 170.

(26) Auth. of Chr. Pr. p. 43. 268.

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tive Judgment of *Biſhops* ſo far, as from thence *Authoritatively* to judge of the *Seaſons* fit to Convene on upon their *own proper unconceded Authority*, not only *without*, but even *againſt* the *Will* of the Prince, denying their Convention with an *injurious Conſcience*, and *inauthoritative Intention*, and therefore,

§. 13. *Secondly*, We come to the *ſecond Propoſition*, to enquire, whether *Chriſtian Princes* may be cenſur'd for not convening Synods, *when they think it needleſs, or inexpedient for them ſo to do*? Now theſe *Terms* are very ambiguous. For, firſt, Who are thoſe THEM? They rather ſeem to be the *Princes*, than the *Synods*. Again, to *whom*, or to *whoſe Intereſt* does the *Dr.* here ſuppoſe *Synods needleſs* or *inexpedient*? By the *literal Structure* of the *Propoſition*, it ſeems to be the Intereſt of *thoſe* THEM, *the Princes*. But to *what ſort* of *Intereſt*? If to *their Intereſt as Princes*; 'tis then *Politick* and *Secular*, which is the great Spring to all the great Motions of what Men call *King-craft*. Now if this really be, as literally it ſeems, or may fairly ſeem to be, the Senſe of the *Terms*, then the whole *Syntax* ſounds thus; *the Chriſtian Prince is not to be cenſured for not convening Synods, when he thinks it needleſs, or inexpedient to his own Politick, or ſecular Intereſts*. But ſuppoſe the *Needleſſneſs*, or *Inexpediency* be not ſo *Selfiſh* as the *Form* of the *Expreſſion* repreſents it, but relates to ſome *common Intereſt*, *this* in all probability muſt be that of the *State Civil*, or *Eccleſiaſtical*. If of the *Civil*, then the Senſe is, *the Chriſtian Prince is not to be cenſured for non-convening Synods, when he thinks it needleſs, or inexpedient to the Intereſt of the civil State ſo to do*, In this Caſe, I confeſs, an *apprehended inexpediency* to the King's *own Intereſt*, or *that* of the *State*, may plead ſome *Excuſe*, and *Favour* for the *Non-convening*; but the mere *Needleſſneſs* to *Regal*, or *Civil Intereſts* (methinks) cannot much countenance King's in ſuch *Non-convening*. Come we then to the *State Eccleſiaſtical*, which has *double Intereſts Temporal*, and Spiritual: In reſpect of the *former*, the Senſe will defend the Prince from Cenſure *for not convening Synods, when he thinks it needleſs, or inexpedient to the temporal Intereſt of the Church*. But in reſpect of the *Spiritual*, the Senſe will be, *when he thinks it needleſs, or inexpedient to the Spiritual Intereſt of the Church*. Now as the Words looſely ly open to careleſs Apprehenſions, every one of the Senſes would at firſt ſight perhaps ſeem very culpable, and I doubt are ſo in the

Dr.'s

Dr's Intention. Yet I will allow all the Senses for *blameless* and *passable*, provided, that the *Prince*, who, upon any of these *Apprehensions* of this *Needlesness* and *Inexpediency*, refuses to convene them *himself*, *restrains* not, but *permits* the *Powers Hierarchical* to *Convene* upon *their own Judgment* on *Matters purely Christian*, when they think it *needful* or *expedient* for the *mere Spiritual Interest* of the Church, securing also the *Civil Interests* from all *Appearance*, *Doubt*, or *possibility* of Danger. Otherwise, if the Prince, upon such *his own* Judgment of the *Needlesness*, or *Inexpediency*, is *not to be censured* for his *not permitting*, or for his *not convening* Synods in the *Dr*.'s Sense; I doubt none of these above supposible Sences will be very *firm* or *Religious*. And the *Dr*.'s *Drift* requires this *Sense* of *Non permission*, because with him *the Prince's Permission Authorizes the Convention*, and he has before allow'd to *Christian Princes* an Authority of *Restriction* or *Non-permission*. Taking then *this Sense* into this *second Proposition*, let us see its *Virtue* and *Tendency* in all the Senses of *Needlesness* and *Inexpediency*. In the first then and most literal Sense, *The Prince is not to be Censured for not convening, or not permitting Synods, when he thinks them needless or inexpedient to his Royal Interests.* In the second Sense, *when he thinks it needless or inexpedient to the civil State.* But first as to such *Inexpediency*, tho' more excusatory than *mere Needlessness*, are Christian King's unblamable, if they will not suffer some *tolerable Inexpediency* in *Civils* for a *great Spiritual Benefit* to *their Souls*, or the *Souls* of *their People*? Should not *Spiritual Advantages* be thought worth some *publick Price*, and a *sufficient Recompence* for some *temporal Detriment*, supposing there could be any *such Detriment* from the Convention of a *pure Canonical* Synod? Are not *Christian* King's concern'd in that Parable of our Lord, which resembles *the Kingdom of Heaven to a Treasure hid in a Field, which he that findeth, sells all he has to purchase it*? (27.) But to excuse such *Non-permission*, upon the mere Opinion of their *Needlessness* to *civil Interests*, comes up to all the Purposes of the *Leviathan*, and makes all *Religious Consultations*, but *State Politicks*. Supposing then the *Needlessness* or *Inexpediency* relates only to *Interests Ecclesiastical*, and first those that are *Temporal*; upon these the same Objections will lie as against the *Needlesness*, or *Inexpediency* to *Civils*; and one more, namely, this, that 'tis not fit that a *Prince alone* should be *Judge* of his Subjects *Temporal Interest exclusively*

(27.) *Matt.* 13. 44, 45, 46.

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(27.) *Matt.* 13. 44, 45, 46.

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of themſelves; eſpecially of *publick Corporations*, which are ſuppoſed to be above *Infancy* and *Pupillage*, and able to *conſider* and *judge* for *their own proper Intereſts* in their reſpective *Halls* and *Councils*, (which are in this Kingdom all at their own Freedom, except the *Synods Eccleſiaſtical*) upon this very bottom, that they are in *their own Matters* the *beſt*, and perhaps the *only competent* Judges. But if the *Needleſſneſs* or *Inexpediency* be referr'd only to the Churches *Spiritual Intereſts*; in *theſe* without all doubt the *Hierarchy* can moſt competently judge, and perhaps *none elſe*. Sure I am our Judges at *Common-Law* think ſo; and ſo interpoſe not upon the *Court Chriſtian* in *Matters Chriſtian* upon this very Principle, that of ſuch Matters the *Court Chriſtian alone* can judge *competently*; and herein the Judges follow the *Senſe* and *Direction* of *our Laws*, which herein is a Fundamental in our Government. But perhaps *Princes* and *Stateſmen* are wiſer in *Matters Chriſtian*, than the *ſecular* or *ſpiritual* Judges, and ſo *better Judges* of the *Spiritual Intereſts* of the Church, and the *proper Seaſons* for Convocations. If ſo, then this deſtroys *all need* of Convocations *ſimply*, eſpecially on the *Dr*'s Notion, that *that they are only of Counſel to the Chriſtian Prince*, for if he be wiſer than they in their *ſpiritual Intereſts*, he has no need of their *Counſel*, and conſequently never of their Convention. And yet, without this *greater Wiſdom* of all theſe *ſpiritual Intereſts*, ſuch a Prince cannot be a *moſt competent*, much leſs the *ſole competent* Judge of the *Seaſons* proper for their *Convention* to Ends *purely Spiritual*. Nay, I doubt this Rule of the *Dr*'s will require ſome *Infallibility* of Princes in this *Particular* of *fit Seaſons* and *proper Exigencies* to ſupport it; for otherwiſe the Error of ſuch Prince's Judgment ſhall irremediably endamage the Church in the *Right* and *Uſe* of her Synodical Powers upon *real Neceſſities*, and *in the Benefits* conſequent upon ſuch Convention, And yet I think this ought not to be conceded againſt the Church upon even the moſt *venial Errors* of the *Chriſtian Prince*, much leſs upon thoſe that proceed from the moſt *dangerous Corruptions of Conſcience*. And what Relief is there, when an Hypocritical Prince ſhall pretend that to be *real Judgment*, which is *mere Craft*, *Malice*, and *Prevarication* againſt the convening Synods, upon this *Propoſition* or *Article*, which I here oppoſe? Undoubtedly none. But yet the *Dr.* has granted a Relief to the Church againſt the Chriſtian Princes *neglect* of her *Ex-*

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igencies, in Contradiction to this present *Article*; which I have above sometimes alledged, that, in such case of *apparent Necessities*, and the *Prince's Neglect*, the Church has a *Right* of *her own* to *Convene*, and consequently *to judge* the *proper Occasions*, and perhaps the *Prince's Conscience*, or *Judgment* in order to such *regular Convention* upon *her own* Right. Now if they may Judge of the Princes *Conscience*, or *Judgment*, so far as upon that to Judge of *their own Right* resulting from it, and they actually find it *ill*; they must censure it to be so, or else they cannot lay a good Foundation for their own *use* of *that Power*, which, according to the *Dr.* arises from *such Exigencies*, as the Prince in his *pretended Conscience*, or *Judgment* does neglect, and so restrains the *Convention* of Synods *necessary* to the *Redress* of them, So much Censure then the Prince's *Conscience*, or *Judgment* will be liable to upon the Dr.'s Self-contradictory Concession, not upon any Principle of mine, who found not the Churches Synodical Rights and Authorities only in the *Sins*, or *Errors* of Christian Princes, but *her own original Constitution*, and *Charter*. But to return to this second *Proposition*; I will freely grant, and second the *Dr.* that a Christian Prince is subject to no *canonical Censure*, or *Sentence Spiritually Coercive for denying his civil Authority, or positive License unto Synods, if he goes no farther*; it being a Matter *purely Civil*. But if he *Prohibits*, and *Persecutes* the Church for doing her *Spiritual Duties* herein, will the *Dr.* give him the Sacraments, and all the sacred Mysteries of our Communion? God forbid the Church should *Hildebrandize* in secular Seditions, and Wars against the Prince; but St. *Ambrose* his Discipline would be so necessary, that to omit it, in case of Persecution, would be to suffer the *Persecutor* to *Profane things Holy*, and *eat and drink his own Damnation in the Body and Blood of our Lord*, whom he at the same time Persecutes in his *Vice-gerents* for the very Execution of their holy Powers and Offices. But because the *Dr.* Instances, not only in *Catholick*, but *Heretical* Princes also under the *Character* of *Christian*, what thinks he? Are these in *no wise*, not so much as *morally* to be censur'd for obstructing Synods in their *Arbitrary*, and *Imperious* Ways? This I should fancy even the *Dr.* himself would think hard. And therefore he, I believe, must be forced to conclude, that the Church, in her Judgment when 'tis fit to Convene, is not to depend upon the *inner Judgment*, or *Conscience* of the Prince, what *he thinks* as to the *Needs*, or *Need-nots*, *Expediency*,

Persecutors to be denied Communion.

or *Inexpediency*; but is to *be Determined*, or to *Determine* upon the *external* Occasions; and this I think will give the *Dr.* fair Cause to review this his second Article in both its *Branches* or *Propositions*.

His third Article examined.

§. 14. His third Article herein asserts to Christian Princes *a Right of Prohibiting ordinary stated Synods (required by the Canons, and allowed of by themselves) upon just Grounds, of which the Princes are to Judge in order to such their Prohibition.* Now this I should readily grant, if *any such Grounds* there can possibly be; but then withal I should be apt to think, that the Church must *be*, or *be made sensible* of such *just Cause* in order to her Satisfaction, e'er she can be in Conscience obliged to admit, or obey such an *occasional Prohibition* of a *dispensing Power* against a *standing Constitution*, and that even *fixed by themselves too.* The *Dr.* dares not sing such a Song to our Parliaments; and yet time was when the *canonical Rights* of *stated Synods* were look'd upon all over the Christian World, as *Sacred* and *Inviolable* as the *Priviledges* of any *Parliament* whatsoever, no dispraise to it. Whether this *Article* of the *Dr.* be agreeable to the Sense of the *greatest Fathers*, and *Councils* of the Church, will be consider'd in due place. But in the mean time it must be noted, that if this be a real Right, it cannot be peculiarly proper to *Christian Prince's alone*, but also to the *most Turkish*, and *Pagan Princes* upon *just Grounds*, not indeed *conceal'd*, but *declared* to the Church in order to her *moral Obligation* unto *dutiful Obedience.* Nor can it, I think, be pretended, that this Right is founded upon the *Christianity* of the Prince, but only in *the Justice* of the *Causes*, requiring such an *Interruption pro hic, & nunc*; since an *Heathen* Prince has Right to preserve Justice in acting upon *just Grounds*, as well as the *most Christian.* Nor can a *Christian* Prince, *as Christian*, claim *more Right* to *our Obedience* to a Mandate made against a *fixed Constitution*, upon *Causes conceal'd*, than an *Heathen* Prince; since his *Christianity* more *morally* obliges him not to deal *Arbitrarily*, but *fairly*, *openly*, and *equitably* with his Subjects, especially the *Christians*, which are not only *his*, but *God's* peculiar People, in whose *Mysteries* and *Unity* the *Christian* Prince expects to be saved. And truly, beside the *peculiar Argument* of *Sanctity* in the Church against all *Arbitrary Usage*, all Pretensions for an *Arbitrary Dominion* against *fixed Constitutions* in *free Bodies*, without *specifying necessary Causes for the Time being publickly to the Subjects*, are *Tyrannical* to the very highest pitch, and *execrable* with all *free*

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Societies, or *States*, such as all *Christian Churches* of *eternal Right*, and *in their own Nature* are, and so acknowledged in all *Ages* and *Countries*, till *Popes* first, and *Princes* afterward fell upon the Spoil, and Sacrilegiously Invaded the Churches *inalienable Rights* and *Liberties* for their *own Property*. Which *Liberties* were in this Land acknowledged as inviolably Sacred by *Magna Charta*, under the most *dreadful* and *solemn Curses*, *constantly* and *frequently* to be denounced in the Church against all the *Violations* and *Violaters* of them.

The Sense and Constitutions of the Church contrary to this third Article.

And here I might object the Sense of the *ancient Church* against the *Dr.* in such *instances*, wherein *ill Princes* have been charg'd with Injury for *intermitting*, or *obstructing stated Councils*; but these being Assertions *of Fact*, are to be adjourn'd to their proper Season. But what thinks the *Dr.* of those *Canons*, that required *stated Synods* to be held, *notwithstanding the King's Prohibition*, and all Pretences of whatsoever *Difficulties* and *Exigences*? Or such *Canons*, as have subjected *Magistrates* to *Excommunication* for obstructing them? The Second Council of *Tours*, convening with the Consent of K. *Charibert*, *Anno* 567, *vel* 570, to repair the *Decays* of the *ancient Canons*, after a vigorous and zealous *Preface* for their *pastoral Authority*, and *Care* herein, makes this (for *stated Synods* against all contrary Powers and Pretences) their *first Canon*; *that the* Metropolitan *and his* Comprovincials *meet in* Synod *twice every Year at the* Place *chosen by the* Metropolitan. *But if any* inevitable Necessity *should hinder*, every one *however was to Convene* once *a Year*, *without the Excuse of any* Person, *either* Royal, *or* Private, *notwithstanding any* Interest, *without any* Pretence, *or* Cloak, *except most certain* Infirmity. *Neither the* King's Order, *nor any* Man's personal Cause, *or* Benefit *must separate him from the* Council; *since the* Precept *of a* King *ought not to be preferr'd before* a Spiritual Work, *nor any* Man's Person *preferr'd before the* Precept *of our* Lord, *nor ought the* Act *or* Person *of an* earthly Creature *deter these whom* Christ *hath Armed with the* Hope *of the* Cross. (28.) Which as it strongly intimates, that King's had actually heretofore prohibited *stated* Synods, and Bishops declined them for worldly Interests under various Pretexts, to the Churches Damage; so does it declare all such *Prohibitions*, and *Practices* Injurious, and the Church of Right bound to oppose them. And here it is to be noted, that the *Acts*, and *Canons* of this Council have no *Royal Confirmation*, on which otherwise their Va-

(28.) *Concil. Turon* II. *Can.* 1.

lidity might be pretended to ſtand; but they ſtood upon their own Bottom, and *this Canon* upon its own *eternal Reaſon*, and the *true divine Rights* and *Authorities* of Synods Eccleſiaſtical, without any *ſecular Support*. Nay, had it been only valid upon this King's *ſuppoſed Ratification*, the next Succeſſor might have vacated it again; and then how could this be, what 'twas intended for, a Proviſion for *Futurity againſt the Power of Kings*? If the *Dr.* pretends, that this Age was Corrupt, and that this was a *Piece*, and *Product* of *that Corruption*; then, firſt I anſwer; the *Dr.* ought not to have preſcribed for his *Principle* from the *Practices* of *later*, and *more Corrupt* Ages, to whoſe *Corruption* we may as well aſcribe the *ſecular Incorporations* of Churches, and whatſoever *irreligious Supremacy* was founded upon them. But, Secondly, it is to be noted, that this Synod, being ſenſible of the *former Corruptions*, deſigned hereby to recover the *more ancient*, and *then decay'd* Purity, and Vigor of Eccleſiaſtical Authority and Diſcipline; of which the *regal Prohibitions* of *ſtated Synods* had been a *foul Corruption*, from henceforth by this *Canon* Condemn'd, Renounc'd, and Aboliſh'd, that ſo the *former Courſe* and *Freedom* might be aſſerted, and reſtor'd. Nor can it be pretended, that thoſe former Kings Prohibited them upon *unjuſt Grounds*, thereby to palliate *this Article* by *ſuch Evaſion*; for, firſt, ſuppoſing ſo; yet they might *think*, or *pretend* them *juſt*, and then according to the *Dr.* the *Kings alone* were *Judges* of *thoſe Grounds*, and *their Juſtice*, of which the Church had no Right of *Cognizance*; and ſo we cannot now ſuppoſe their Grounds *Unjuſt*, which the Church could not judge ſo then. But, Secondly, this *Canon* will allow no *Pretenſions*, or *Grounds good* to juſtifie any Biſhop's Abſence on the King's *Precept*, or otherwiſe, except his *moſt certain Infirmity*; which excludes all *poſſible Suppoſition* of *juſt Grounds*, which the Kings might pretend above the *Cognizance* of the Church. The Second *Nicene* Council, *Anno* 786, called by the Empreſs *Irene*, and the Emperor her Son Reinforces the Convention of provincial Synods *once* a Year, with the *Cenſure* of *Excommunication* againſt *any Magiſtrate*, that ſhould *forbid*, or *hinder* them. (29.) Perhaps the *Emperors* are not intended within the Ἄρχοντες here; but the *inferior Rulers* only. Be it ſo, yet it *Excommunicates thoſe Rulers abſolutely*, *that forbid or hinder them* even by *imperial Order*; ſince this is made no *excepted*, or *exempted Cauſe*, be-

(29.) *Can.* 6. εἴπερ εὑρεθῇ ἄρχων τῶν πολιτῶν, ἀφορίζεσθω.

becauſe it was not in that Age to be ſuppoſed, that any *ſubordinate Ruler* would obſtruct ſuch *ſtated Synods* without ſome *tranſcendent Orders* of the *Emperors*; which therefore were ſo far from being eſteemed by this Council of juſt Virtue and Authority to prohibit *ſtated Synods*, that they could not Indemnify from *Excommunication* the *Magiſtrate* that ſhould prohibit them by *imperial Commiſſion*. And beſides theſe, ſeveral other Synods that diſpenſed with *twice* a Year, would allow no Pretence whatſoever, but *Infirmity*, for *Abſence* from ſuch Synods, becauſe they look'd upon the *Neceſſity as Indiſpenſible*. And hereupon, tho' in *Spain* the King's Mandate had been admitted to the Convening theſe Synods, 'twas not to *cramp*, but to *ſecond* and *aſſiſt* the *Precept* of the *Metropolitan*, as appears from the Council of *Emerita*, *Anno* 666, for that, (30,) there being *Neceſſity* of ſuch Synods, *no Biſhop was to be abſent, but to be compelled by the* Prince's Mandate *to obey the* Metropolitans Order *without any pretence for Excuſe*. 'Tis true, this Council admits *Buſineſs enjoyn'd by the King* to be as *good Excuſe* for his *Abſence* as *Infirmity*; but as herein *he was to account for it to the Judgment of his Metropolitan, ſo was he to ſend ſome Arch-Presbyter, or able Presbyter to ſupply his Place*. (31.) Add moreover it gave no Priviledge to the King, under ſuch Colours, to prohibit the *whole Synod*. And when the Council of *Herudford*, and *Canons* of K. *Edgar*, *inter cætera* provided for Synods here, if not *twice*, yet at leaſt *once* a Year in thoſe *Saxon* Days, (which Canons were intended to oblige their Poſterities) they reſerved no place for the *King's Prohibition*, there being then no *Common*, or *Statute Law*, or *Cuſtom of the Realm* againſt them, which ought to be of ſome *Weight* and Conſideration with my *Opponents*, and particularly the *Dr.* when he thinks fit to ſupport this his *Third Article* by the Senſe of the ancient Churches, eſpecially that of our own.

(30.) Can. 5. *Juxta Canonicum ordinem, tempore quo Concilium per Metropolitani voluntatem, & Regiam juſſionem electum fuerit agere, omnes confinitimos Epiſcopos in unum oportet adeſſe, nec pro tali re quæhibet cauſa apponi debet ad Excuſationem.*

(31.) *Ibid. vide.*

§. 15. His *Fourth Article* aſſerts the *Right of Aſſigning Time and Place for Synods to the Chriſtian Princes*, i. e. if they pleaſe to aſſume that Care; where we have no need to Controvert him, provided this *Arbitrary Aſſignation* be not prevented by ſome *fixed Rule*, or *Conſtitution*, or otherwiſe

The fourth Article conſidered.

wiſe be not aſſerted in Bar to the Churches Right herein, upon the Princes *Omiſſion*, or *Foul-dealing*. But however I muſt ſay; that even *Unchriſtian* Princes may challenge and uſe the ſame Right over *Chriſtian* Churches alſo within their Dominions, if they pleaſe, and the Church will be as *morally* bound to *obey* them herein as *Chriſtian* Princes. So that as there is but *little moment*, ſo there was but *little need* of *this Article*, but only perhaps for *Oſtentation* of the *vaſt Kingly Power*, or the *Dr*'s *vaſt Zeal* for it in all Particulars.

The fifth Article examined.

§. 16. The *Fifth Article Aſſigns to Chriſtian Kings a Right to direct the Choice of the Perſons to be Convened.* But this is what I can by no means underſtand. For then, firſt the King has a Right to Exclude *Biſhops* out of ſuch Synods, and call *only inferior Clergy-men*, and of theſe ſuch as he pleaſes, or if any Order only, either *Prieſts*, *Deacons*, *Sub-Deacons*, &c. Nay, even *Laymen* only, who, being *Chriſtians*, are in a *large* and *fair* Senſe *Perſons Eccleſiaſtical*, and may make a Synod not only conſiſtently with the *Dr*'s Definition of a Synod, but by his Notions of Synods under *Princes of other Perſuaſions*. But for this *pretended Right* I hope the *Dr.* has no Reaſons, no *Teſtimonies*, or *Conſtitutions* of the *Church Catholick*, nor yet *Preſcriptions* from *Facts* or *Hiſtories*. 'Tis true indeed, if *Synods had only been of Counſel to the Chriſtian Prince*, all this muſt have been granted, but the *Abſurdity* of *this Conſequence* deſtroys *that Principle*, as well as *this fifth Article*. For all Churches look upon *Biſhops* as *eſſentially requiſite* to all *General*, *National*, and *Provincial* Councils, and where a *See* is full, there can be no *canonical Synod* of the *Clergy* without the *Biſhop* (whom the Prince cannot Exclude) nor of *Laymen without*; or *excluſively* of the Clergy. To *Provincial* or *greater* Synods the Biſhops had Right to take with them ſuch of their Clergy as they pleaſed, † which they alſo uſually did. But where ſuch Biſhops to ſecure the Clergies Liberties, have either *fixed* ſuch Right of Convening in *ſet Dignities*, or left the *choice* to the Clergy; and this not *once* or *twice*, but for ever; there ſuch *Right* of the *Clergy* is founded on ſuch *Canonical* Conſtitution of the good Biſhops; ſo that we need not refer our *Rights* in the *lower Houſe of Convocation* to the *original Choice*, *Command*, or *Conſtitution* of *our Kings only*; it being moſt probably the *Device* and *Conſtitution* of *Biſhops*, as

† *That is, antecedently to any poſitive Conſtitutions herein.*

The Original of the lower Houſe of Convocation.

admitted by Kings unto *civil Establishment* also, upon the *federal Coalition* of *Church* and *State*. So easie is it to account herein upon that Question, (which the *Dr.* thought not soluble but his own *Hypothesis*) (32.) in a much better and more credible manner than he himself does it. (33.) No doubt the *civil Interests* of both Houses of Convocation are from the Crown alone; but will he say the same of the *canonical Right* of the *upper House of Bishops*? This I do not believe, tho' it follows from *this Article*, as by him set. And then why may not the *canonical Rights* of the *lower House* descend *originally* from the *canonical Powers* of the *Bishops* of *bringing what Clergy they pleased to their Synods*, from which the *Derivation* is much *more natural* than from *Lay-powers*? So that I think *this Article* needs the *Dr*'s more accurate Review, in order to a far *closer Restriction*, and fairer *Perspicuity*. 'Tis true, if the *final Reason*, which he adds for *this Article*, were *good*, *that the King may be satisfied, they are such, whose Piety and Temper have fitted them to serve the Church, and in whose Prudence and Conduct himself may safely confide*; (34.) all this would follow as round as a Hoop, and the *choice* of *all*, or *any Bishops* would be entirely from the *King*, as much as the *Dr.* can fancy that of the *lower House* to have *originally* been. For he must as well judge of the *Piety*, *Temper*, *Prudence*, and *Conduct* of the *Bishops*, in order to the *Churches Service*, and *his Confidence*, as of the same Virtues in the *lower House*; except their Lordships are to be reputed by their Princes as uncapable of Defects in Transactions or Procedures Synodical; and if so; there is no farther *use* of the *lower House* in Matters Religious. So this Reason, proving *too much*, proves *just nothing* to the Purpose, but overturns all; not to insist now, that in the *original Constitution*, or *Choice* of the *lower House* the *Bishops* and *Clergy* had as much reason to be satisfied of their *Graces* and *Abilities* for the *Service of God* and *his Church* as *the King*; and so to have *their Consent* and *Share* in that *original Constitution*; as the *Clergy* still have in the *Choice* of the *elective Members*, the Trust hereof has been, by the *Bishops*, as well as the *King*, thought most fit, and just to be lodged in the *parochial Clergy* for the *Dioceses*, and the *Canonical Clergy* for the Chapters, &c. That so the *arbitrary Choice* might not be in the *King only*.

(32.) App. p. 113.
(33.) Auth. of Chr. Pr. p. 103. 104.
(34.) Auth. of Chr. Pr. p. 42.

The Reasons of the Dr's five Articles.

§. 17. Having thus examin'd the *Tenour* and *Consistency* of the *Dr*'s Judgment, Principles, and Articles on the Royal Rights of *Convening*, or *calling* Synods, in the next place, consider we the *Reasons* on which *this Structure* is raised. *It were*, saith he, *an easie matter to argue the* Reasonableness *of every one of these* Conclusions *from the* Ends *of* civil Government, *and the* Power *that is* necessary *to be placed in the Hands of the* supreme Magistrate *in order to those* Ends. *I need not say, that* Christianity *came not to* Usurp *upon the* civil Power, *but rather to engage Men to be more ready to render that* Duty *which they owe to it. 'Tis true by this means the* busie Tempers *of some forward Men may be restrain'd; and to such these* Limitations *may seem very* Odious. *But they are* such Men, *and* such Tempers *that make these* Restrictions (*necessary. And their unwillingness to submit to them, shews but the more clearly, how fitting it is that* Princes *should have all that* Power *I have now mention'd to prevent them from doing both* themselves *and the* Church *a* Mischief. *That* Princes *may abuse this* Power *to the* Detriment *of the* Church, *is no more an* Argument *that they ought not to* enjoy *it, than it would be that they ought not to be* entrusted *with the* civil Power, *because they may abuse that too to the* Ruine *of the* State. *And I am of opinion that, were the* Dangers *to be weighed, it would be much more fatal both to the* Church *and* State *to have some Men intrusted with an* immoderate Liberty, *than others with a* Sovereign Power *to* restrain *them.*

Examin'd.

Now the *Basis* of all this *Declamation*, being nothing else but a *supposed Right* of *civil Interest* or *Magistracy*, does consequently infer, that all these *Rights* and *Authorities* must be *Civil*; for such are those that are absolutely necessary to the Ends of *civil Government*. Which being admitted, *all* these Powers will simply belong to *all* supreme Magistrates, *Unchristian*, as well as *Christian*; for *all* supreme Magistrates must have *all* Powers necessary to *such* Ends. But where will the *Dr.* find the Suffrage of any *Ancient* or *Modern* Church, that will allow this *Quinquarticular* Authority in *calling* Christian Synods to *all civil Governors*, as being *civil* in being *necessary* to the Ends of *civil Government*? For in vain will he put the *sham Character* of *Ecclesiastical* on these Powers which are *purely Civil* from the *civil* Ends, for which they are necessary. For this will make the Matter but the worse. For still, if *Ecclesiastical Powers* be necessary to the Ends of *civil Go-*

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vernment, even *Heathen* Princes must have them to *those* Ends; and consequently *these Powers* in *all Ages* and *Countreys*, must have been necessary to *civil Government* and *Magistrates*, wheresoever such have been. But if he means, as no doubt he does, that these Powers are necessary to the *civil Government* of *Christians*; still the Power, whether *Ecclesiastical*, or *Civil*, must belong to *Heathen* and *Mahometan*, as equally as to *Christian* Princes; (to which my Observator inclines) and the Principle is of admirable use to assert the Tyranny of such Aliens.

But I would farther willingly know, which way an *Exemption* of *Christian Synods* from *these Restrictions*, would be an *Usurpation* of the *civil Powers*? For, besides that he hereby confesses these Powers to be *Civil*, which will therefore *of Right* belong to *Pagan Magistrates*, he must mean, that by the Right of mere *civil Sovereignty*, all Religious Powers were *Radically* in Princes before *Christianity* appear'd, or particularly, that the Power of Religious Assemblies was so *Radically* theirs before *Christianity* came. If the former, then Ordination of *Christian Priests*, and *Orders* belongs to the *civil Powers*, tho' *Pagan*. If the latter only, then perhaps we are to distinguish our Assemblies into *those of Worship*, and *those of Conduct Ecclesiastical*, and inquire into this *civil* Power over *one*, or *both* these Assemblies. If they had it over *one only*, let that be assigned with the Reasons *exclusive* of the like Power over *the other* sort of Assemblies, that so the Christian use of that *one exempt sort*, may appear to be *no Usurpation* on *civil Powers*, as *the other* at least must be supposed to be, and that contrary to the Design of *Christianity*, when it came into the World. For suppose for once, that our Assemblies for *Worship* be thought *exempt*, but our *Councils* so subject to those *civil Powers* for the *civil Ends*; may not there be *Demagogues*, and Men of *busie Tempers* in our Assemblies for *Worship*, as well as in our *Synods*, since in *the former* the numbers are Greater, and more Precipitate, and more liable to Seditions and Seducements? But were this Distinction allow'd as good, yet still the same Absurdity will return, that all Synods held in *Heathen Times*, and *Countries*, without express Authority given by those *Heathen Princes*, were *Usurpations* upon *civil Authority*, which no *Christian* Ears *can*, or *ought* to bear; so that the farther this Career of *Reasons* goes, the worse the

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Hypotheſis ſtill appears. The *Dr.* may farther pleaſe to conſider, that not only all the *Factions* againſt the *Supremacy*, (except the *Popiſh*) are here tolerated as harmleſs; and that beyond the *Tweed* there is an *holy Kirk*, which denies *all thoſe Powers*, even to *the moſt Chriſtian* Magiſtrates, whoſe *Principles* are yet eſtabliſhed for *Pious*. But perhaps *Fanaticks*, and *Scotch Presbyterians* are not of ſo *buſie* and *dangerous a Temper* as Synods *Epiſcopal*, and ſuch as are of a *Catholick* and *Canonical Antiquity*; and therefore with the *Dr.* 'tis high Treaſon to aſſert but *ſome* of *theſe Powers* to *Epiſcopal* Synods, and that *under* a Royal Supremacy, which *Wiſe* and *Religious* Nations allow to upſtart Sects, that defie all manner of *Eccleſiaſtical Supremacy* to *even* their *Chriſtian* Princes. But we of the *Catholick Church*, it ſeems, are the only *dangerous Hotſpurs* and *Incendiaries*. So ſingular are we in Miſchief beyond all Spiritual Vipers. If then the *civil Powers* had this *radical Power* over all Religious Aſſemblies of *Worſhip* too, then when *Chriſtianity* came into the World, *all* its Aſſemblies for *Worſhip*, without the *Heathen* Authority were *Rebellious Uſurpations*. But it is farther to be noted, that there are ſeveral *Corporations* and *Councils* in *England*, as elſewhere, purely of *civil* Conſtitution, and Conduct, whoſe Rights and Liberties, according to the *Dr*'s Reaſons, ought to be enſlaved to ſuch a *Quinquarticular* Power of the Supreme Magiſtrate to the Ends of *civil* Government, even the *Parliament* it ſelf for *one*, whoſe *Members* therefore are to be *choſen* by the *Direction* of the *King*, and that in *both Houſes*, *that they may be ſatisfied in their Piety, Temper, and Prudence for the* Conduct *of the State, and that he may confide in them. That Men's buſie Tempers make theſe Reſtrictions neceſſary, which are leſs dangerous than immoderate Liberty*, ſuch as all *that* is ſuppoſed to be, that is not under all *Reſtraints*, and *reſtraining Powers, which are neceſſary to the Ends of civil Government, tho' Princes may abuſe it to the Ruine of the State.* Let the *Dr.* therefore bring theſe his *five Articles* upon our *Parliaments*, our *Univerſity Convocations*, and *City Councils*, all which claim very contrary, and (in the Dr's Senſe) *immoderate Liberties*, or if, to avoid *theſe Reſtrictions* ſo *publickly odious* to all free born *Engliſh-men*, he can find good Anſwers, the ſame will I turn upon him for the *Rights* and *Liberties* of *Synods Eccleſiaſtical*. In the mean time I was ſo fooliſh as to think, till the *Dr.* better adviſed me, *that no Power was to be entruſted with Princes, which they might abuſe*

abuse to the Ruine of the State, and that *civil Power may not be abused to such Ruine*; and was apt to run into the Parallel *that no Power ought to be entrusted in Princes, which they may abuse to the Detriment of the Church*, it being the best way for People to secure their Liberties and Rights, to entrust their Magistrates with no Powers, which may be turn'd against them. Sure I am the *Parliaments* of *England*, have always defended the Rights of the People upon these my Opinions, and would never entrust the *Kings* with an *Arbitrary Power*, nor were ever at rest till they had secured to themselves a *Triennial Frequency*, notwithstanding they are to be called by the King's Writ, that so the King might have *no Power* to render them *insignificant*, nor to *dispense* with the *stated Constitutions*, whensoever he should judge them *needless* or *inexpedient*, upon *Reasons known only to himself, and liable only to his own Judgment*. And why *Convocations* should not merit, expect, or desire some such as firm Securities, I profess my self unable to comprehend.

§. 18. But because the Sense of the *Catholick Church* is by the *Dr.* challeng'd to *all his Aphorisms*, let us examine how these five Articles agree with the Wisdom and Constitutions of the *Ancients*, with respect to the *general sorts* of Ecclesiastick Councils. Now the most ancient Councils of Bishops were the *Pure* and *Provincial*, and therefore the *Convention* of these must be the Subject of our first Enquiry. Now before the Empire became *Christian*, it has been proved, that the *Catholick Church* was *Conciliarly* Govern'd by Synods of Bishops in the several Provinces; but *how Convened* does not yet appear so clearly. That to *each Provincial Colledge* of Bishops there was one *Chief* or *Primate*, is evident, as by several other Testimonies, so especially by the 34th. *Canon Apostolical*. But then *this Primacy* was but Ordinal, and as it were *Prolocutory*, not *solitarily Monarchical*; for by *that Canon* a *mutual Union*, and *common Agreement* is required in *all Acts*, except what are *peculiar* to *each single* Bishoprick, *i. e.* in *all* that are of *common* concern to the *whole Province*, or the *Church Catholick*, particularly *all incidental Matters* coming in from *without*, viz. *from such Churches, as being oppressed by Barbarians, had no Bishops of their own, but made Application to the Neighbouring Bishops*. (35.) Now such chief Bishop, tho' *to be reputed by the rest as their common Head*, had not then any *coercive* Power *alone* over any of his Brethren; and

By whom Synods were conven'd in the ancient Church.

(35.) Bals. *in Can. Apost.* 34.

and therefore, tho' it was doubtless agreeable to good Order that *he* of *ordinary Course* should call the rest unto Synods, yet by way of *Admonition* or *Invitation* only. And if any absented, they that *Convened* were to *Summon* and *Censure* the *Absenters*, every *single Member*, being properly subject to the *Jurisdiction* of the *Community*, and to *no other single* and *personal Tribunal*. Nay, if the *Metropolitan*, or *chief Bishop* himself gave Offence, the rest might, of their *own mutual Accord*, and *Exhortation*, *Convene* themselves, and *Summon*, and *Judge* him. Thus things stood in those Ages, neither *this*, nor *any other Canon* places any *coercive* Power of *Convening such Synods* in any *single* Bishop. In the Days of *Constantius*, the 9th. *Canon* of the Council of *Antioch circ. an.* 341. 342, &c. Reinforces this 34th *Canon Apostolical*, attributing the *common* Care of the Province to the *Metropolitan* in an *eminent* manner, but without any express mention thereof in *calling* Synods. But in the 20*th*. *Canon*, concerning provincial Synods twice a Year, it is Ordained, *that no Bishops shall hold Synods by themselves, without their Metropolitan*; which seems to intimate, that before it had been so done; but whether *Canonically*, or *Disorderly* it does not appear. This Council, being for the prevailing part *Arianizing*, had their *Reaches* in *many* of these *Canons*, (tho' they look'd fair, and were afterwards recieved in the whole *Greek* Church) and perhaps had some design of securing their Interest, by thus binding up the Synods *so strictly* to the *Metropolitan*. *Balsamon* and *Zonaras* interpret the *Canon*, that *the Bishops must not Synodize without the Presence of the Metropolitan*, i.e. (as I would take it, and Equity requires) if he *can*, or if he *please* to be present. For otherwise his Crossness, or Crimes, or Affectation of Tyranny would vacate *this very Canon* in holding Synods *twice* a Year, and prejudice the Church, and the Powers and Cares of the whole provincial Colledge. It is farther to be noted, that *this Canon* ordains the *vernal Synod* in the 4th. *Paschal* Week, which Week being *moveable*, and the *Day* of Convening therein *not Stated*, the *Metropolitan* was to give Notice, or Intimation thereof to his *Comprovincials*; (36.) no Provision of this kind having been made by the 37th. Apostolical, or 5th. Nicene Canon; in all which, however here is no *coercive* Power lodged alone in the *Metropolitan*. But here it is to be observed, that neither the *Nicene*, or *Antiochene* Councils had any thoughts of the Rights and Authorities of the *Christian Emperors* herein, for which they

(36.) Council Antioch, *Can.* 20. συνοδικὴν ἐπιχώρησιν τοῦ ἐπιχωρίου τῆς ἐν Μιλήτῳ.

they made no Provision. The *Dr.* indeed pretends the 5th. *Nicene Canon* to have *all its Force* from *imperial Confirmation*, which shall be consider'd on the third Head; but this cannot be pretended of the *Antiochene Canons*, which have no such *imperial Confirmations* added to them, or Historically Recorded of them. The 5th. *Nicene Canon* is again seconded by the second *Canon* of the second general Council, and the 19th. *Canon* of the fourth general Council, in which these Councils, tho' called by Emperors, and much managed by their Interpositions, took no Care for the *imperial Rights* in the *calling* of such *Stated* Councils. And that this 5th. *Nicene Canon*, and the *Stated* Synods *twice* a Year Instituted by it, had not their *Authority*, much less their *sole Authority*, from *Constantine's Imperial Confirmation*, will appear from a celebrated Dispute hereupon. *Anno* 649. *Pope Martin* had called a great Council to the *Lateran*, and therein all the *Monothelite Principles*, *Ecthesses*, *Types*, *Practices*, and *Authors* were Condemn'd. This exasperated the Emperor *Constans* unto Persecution of all those that joyned with *Pope Martin*; among whom the Lot fell hard upon St. *Maximus* the *Abbot* and *Martyr*, who was much tamper'd, and often disputed with to abate of his Zeal, and to Communicate with the *Monothelites* of *Constantinople*. Particularly being in a miserable Exile at *Byzya*, *Theodosius* Bishop of the *Bithynian Cæsarea* (a Man seemingly of a very Candid and Ingenuous Temper) came to him from *Peter* the Patriarch of *Constantinople*, and two Consuls *Paulus* and *Theodosius*, sent from the Emperor, with a design to bring him over to their Communion; and to that End the Bishop of *Cæsarea* undertakes to dispute him. And after many Matters he tells the *Abbot*, *that Pope Martin's Council was not valid, because held without the Command of the Emperor.* To which St. *Maximus* replied thus; *If the Commands of the Emperor, and not pious Faith make Synods valid; then recieve the Synods held against the ὁμοούσιον; for these were held by Imperial Command*, viz. *The first in* Tyre, *the second in* Antioch, *the third in* Selemia, *the fourth in* Constantinople *under* Eudoxius *the* Arian, *the fifth at* Nice *in* Thrace, *the sixth at* Sirmium, *the seventh long after*, viz. *The second at* Ephesus *under the Presidence of* Dioscorus.——*And why do not ye reject that which deposed* Paulus Samosatenus *under the Holy and Blessed* Dionysius *of* Rome, *and the other of* Alex

lexandria, *and* Gregory Thaumaturgus *the Preſident, becauſe it was not Conven'd by the Command of the Emperor?* ——*But,* ſays he, *you my Lord, know and teach too, that the Canon requires Synods to be held twice a Year in every Province, with mention of any imperial Command.*——To which *Theodoſius* the Biſhop confeſſed, *ſo it is.* (37.) It ſeems the *Notion* of the *Validity* of this 5th. *Nicene Canon*, and the Authority of theſe Stated Synods thereupon upon the *imperial Confirmation*, was at yet *undiſcovered*, nay, *unconceived*, and ſo far from being *Catholick*; elſe how eaſily might it have been alledged to St. *Maximus*, in bar to the *Validity*, which the Saint aſſerted to Pope *Martin*'s Council? And if the *Dr*'s Notion (taken, I confeſs, from Biſhop *Andrews*) were firm; can we imagine, that in all the ſo many References made to this *Nicene Canon* in *after Canons*, and *Eccleſiaſtical Epiſtles* with ſo much Veneration, there ſhould not be found ſo much as *an hint*, that the *Validity* thereof (as of the other Nineteen) was founded on the *Imperial Sanction*, but on the contrary univerſally throughout all Ages aſcribed only to the *Authority* and *Conſtitution* of the *Fathers*? How can then the *Dr.* challenge the Senſe of the *univerſal Church*, *Fathers*, and *Councils*, that *the Validity of this Cannon ſtood only on imperial Sanction, or the Right of Emperors alone to call ſuch Stated Provincial Synods*? Yet hereinto we will a little enquire. Pope *Leo* I, (who was no bad Man) as Primate over the *Sicilian* Biſhops, orders three of them to come Yearly to a Synod at *Rome* on the third of the *Octobrian Kalends*. (38.) The Council of *Epaone*, *Anno* 517, (39.) and ſecond of *Orleans*, *Anno* 533, Aſſigns the *Call* of *ſuch* Councils to the *Metropolitans*. (40.) So does the third Council there likewiſe, *Anno* 538. (41.) And note, that as this Council was not *called* by the King *Childebert*, ſo neither was he *concern'd* in its *Conſtitutions*, firſt or laſt, and therefore *this* Canon ſtands not upon *his Authority*.

(37.) Collat. Sti. Maxim. cum Theodoſius Epiſ. Cæſar.

(38) Can 1.

(39.) Ep. 4. cap. 7.

(40.) Can. 2.

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(43.) *Præf.*

(44.) *Capit Canonic.* 18.

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(46.) *Capit.* 3.
(47.) *Can.* 1.
(48.) Collect. Reg. Concil. Tom. xx. *p.* 48.
(49.) Concil Mileu. 11. *Can.* 9. Cod. Can. Eccl. Afr. *c.* 95.
(50.) Concil. Carth. 5. *Can.* 7. 10. Concil. Afric. *Can.* 40. Cod. Can. Eccl. Afr. Can. 73.
(51.) *Can.* 9.
(52.) *Confer.* Epist. Pap. Hormisd. 9. 10, 21, 22.
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in their particular Nations ſet up *Synods National*, in imitation of thoſe *general Councils*, in which the *Emperors* and their *Lay-Lords* had been concern'd, and whoſe Acts were ſupported by *ſecular Power*; and added other Forms and Conſtitutions ſucceſſively, till at laſt the ſame became Councils *Incorporate* into the *State*, and ſo of a *double* Power, *Spiritual* and *Secular*, the former of which they had from *Chriſt*, the other from the *Grants* and *Charters* of *Chriſtian Princes*. And firſt in *France* it was allow'd by the Council of *Agatha*, *anno* 506, that the King's *Precept* was a good Cauſe for a *particular* Biſhop's *Abſence*, (55.) tho' this was afterwards denied in the Second Council of *Tours*, *anno* 567. (56.) The Council of *Emerita*, *anno* 666 follows the Council of *Agatha* in allowing the *King's Buſineſs* and *Præcept*, as a *good Excuſe* for a Biſhop's *Abſence*. (57.) In like manner the Eleventh Council of *Toledo*, *anno* 675, allows no Biſhop to be abſent except in an inevitable Cauſe, or Neceſſity, under Pain of one Years Excommunication. And if one Year paſs'd without a Council, that all the Biſhops of the Province of *Carthagena* ſhould be under the ſame Cenſure, except hindred by the *Power of the Prince*, or by *Infirmity*, or *other Neceſſity*. (58.) Next the *King's Precept* was required to *enforce Obedience* to the *Call* of the Metropolitan by the Council of *Emerita*, (59.) which was a *ſecundary* Relief againſt Obſtinacy. This being fancied to be *more Coercive*, or found to be *more Effectual*, it was conceded to *Kings* or *Metropolitans* to choſe the *Time* by the Eleventh Council of *Toledo*, (60.) and the Thirteenth Council at the ſame Place; (61) *Præcedency* herein being given to the *King's* Authority, otherwiſe than was done in the *Emeritan* Council. The Council of *Verneville* in *France*, *anno* 755, devides the Spoil, and in the two Yearly Synods aſſigns the Nomination of the *Place* for the *Vernal* Synod to the *King*, for the *Autumnal* Synod, either *Soiſſons*, or what Place the Biſhops ſhould agree upon. And tho' the Power of Kings thus gradually crept in more and more into Synodical Affairs, yet would they not Aſſemble in *France* upon the Præcept of the Emperor, or King *Louis* the Second, not only becauſe of the *Inconvenience*, and *ſhortneſs of time*, the *Inconvenience* of the Place *Rhemes*, and the *Confuſion* of the *Tumult*, but *becauſe they had not received their Archbiſhops Letters of Summons to ſuch Synod, without which the Divine Law*, (that is, the 34th. Ca-

(55.) *Can.* 36.
(56.) *Can.* 1.
(57.) *Can.* 5.
(58.) Capit. 15.
(59.) *Ibid quo ſup.*
(60.) *Ibid ubi ſupr.*
(61.) *Can.* 8.

Canon Apostolical, and others following it) *does not permit Bishops to Act of themselves in Matters without their own respective Bishopricks.* (62.) And even our own Forms at home, still remaining, are *founded upon*, and *attest* the same. Thus, notwithstanding the ἀπερρύησις of the Church by her *secular Incorporations*, the *sole* Power and Authority in *calling* all Councils with *Assignation* of *time* and *place*, and Persons, did not belong to *Christian* Princes *in* the *sense*, and *by* the *Constitutions* of the Church. But in the Empire, where no such *Incorporations* or *Declensions* were, we find not only the sense of the Church, but even of good Emperours contrary to the *Doctor*'s Doctrines: For *Sozomen* (63.) tells us of *Valentinian the Elder*, that in a Journey from *Constantinople* to *Rome*, being desired by the *Hellespontick*, *Bythinian*, and *some other Catholick* Bishops, that he would give leave, that they might meet in Council to right the Theology, he answered them by their Legate, the Bishop of *Heraclea Perinthi*, *that he being a Lay-Man, this was not his business, but the Priests, who should meet where they list for him.* This place has put great Men hard to it; some pretend he spake this out of *Humility*, or *Occupations*, which last are suggested by *Nicephorus*, l. 11. c. 3. Others blame him for *timorousness*, and so reckon *this* among *his other miscarriages*, which plainly shews, that they were forced to subterfuges, one to one, and others to other. But it is as to our present purpose impossible to imagine, that a Catholick Emperour out of *Humility*, *Occupations*, or *Fearfulness*, would renounce a Right in answer to Bishops, which all Catholick Bishops asserted to him by a Catholick and Uncontested Doctrine. What! did he tell the Bishops 'twas not fit for him to busy himself in the calling of Councils for matters Theological, which the Bishops teach *Him*, and *all the World*, that 'twas fit for none but Him? *Credat Judæus Apella. Non Ego.* And though this Emperour however upon the importunity of the Bishops did *in fact* call one, this is no impeachment of his Opinion; for he might do that at the Instance of the Church, (which *If this Relation* in fact *were not true, yet it was reported, and to* Valentinian's *Praise, as agreeable to Catholick Principles, and Piety.*

(62.) Synod Carisiac. *An.* 858. Capit. 1. *Sed & divinis legibus, quas & vos observaturos cum fratribus vestris nobis denuntiastis, cautum esse dinoscitur, quia sicut nec Archiepiscopi sine Coepiscopis, ita nec Episcopi sine Archiepiscoporum consensu, vel jussu, nisi quæ ad proprias pertinent Parochias, debent presumere: Et in tam angusto tempore Archiepiscoporum literas non valuimus de Conventu habere. Quapropter noverit vestra sublimitas, quia mandatum vestrum nostra non contempsit humilitas, sed sicut longe a nobis ante est dictum; qui jubet impossibilia, facit se contemptibilem.*

(63.) Soz. E. H. l 6. κ' ζ'. ἐμοὶ μὲν οὖν μετὰ λαοῦ τεταγμένῳ ἃ δέμις τοιαῦτα πολυπραγμονεῖν οἱ ἱερεῖς, οἷς τοῦτο μέλει. καὶ ἑαυτὸς ὅπως βέλτιστα σωίπτειν.

he might look upon as a good cauſe or excuſe) which he did not think belonged to him, *ex Officio mero*. However, that this Opinion was not *erroneous* and *Anti-Catholick*, appears herein, that it met with no contradiction or correction from the Biſhops, as no doubt it *muſt*, and *would*, had it been (as now 'tis accounted) *Peſtilent*, *Seditious*, and *Heretical*. So that to conclude the *Point of Right*, it appears, that the *ordinary Intereſts* and *Rules* of Kings in calling the *ſtated* or *ordinarily occaſional Councils* of *ſingle Provinces* came in far later than the Metropolitical Authorities herein; ſo far from the firſt admiſſion of Chriſtianity by the Roman Empire, that 'twas a good time after the Diſſolution of that Empire in the Weſtern Parts. Nor when theſe Regal Powers were eſtabliſhed by the Eccleſiaſtical Contract and Canon, were they admitted *in Prejudice* at firſt, but only *in corroboration* of the Metropolitans *more ancient* Authority, *ſocially added*, not *tyrannically advanced*, to *ſave*, not to *deſtroy* it. And this, I think, is ſufficient to ſhew the ſence of the Catholick Church on the *firſt Head* that the *ſole Authority* of calling *all Synods Eccleſiaſtical* does not pertain *alone* to *all Chriſtian* Princes *as ſuch* excluſively of the *Powers Hierarchical*.

CHAP. V.

Of the *Actual* and *Cuſtomary Practices* of *Chriſtian Princes* in *calling* Synods Eccleſiaſtical.

§. 1. HAving thus ended our Examination of the *Dr's Quinquarticular* Rights of *Chriſtian Princes* in *calling* Synods, together with his Reaſonings, and compared them with the Senſes and Conſtitutions of the Church, from the Primitive, down to much lower and degenerous Ages, which have been diſcovered quite contrary to the *Doctor*'s Notions; our Method properly leads us next to conſider his *general Aſſertions* in matter of *Fact* concerning the *cuſtomary Practices* of *Chriſtian Princes* in *calling* Synods, not at preſent deſigning a deſcent to *particular Inſtances*, but only to enquire into the Conſiſtency of the *Doctor* with himſelf, or the Ancients in these his *general Aſſertions*. Not that, were they exact, they could preponderate againſt the *eſtabliſh'd Principles* and *Rules* of *Right*, which we have above produced and juſtified, but to take off the *Doctor*'s falſe Colours, and all reproach from the Ancients, that their general Practice may not be ſcandalouſl

lously imagined contrariant to their fixed *Principles* or *Constitutions*.

§. 2. Now the number of such the *Doctor*'s *general Assertions* of *Fact* or *Custom* are five, on which his *five Articles* in point of *Right* are founded, which we are to traverse according to that Order in which the *Doctor* has set them. The first of which is as follows. Having then told us of what an *ill aspect* all *meetings Ecclesiastical* were in the Eye of the *Roman Laws* of old, before the *Empire* became *Christian*, (1.) he immediately subjoins, *that* Synods *being no* Ordinary *or* Stated Conventions *but assembled only on* extraordinary Occasions, *and* Necessities, *as there was no* general Provision *at the beginning made for them by the* Laws; *so their* Lawfulness *depended on the* express Command, *or* Allowance *of the* Emperour; (2.) and hence, *that all the most Famous*, (viz. the eight first general) Councils *were so conven'd by the* Imperial Authority, *and all other* lesser Synods *either expresly conven'd by them, or by some* Authority *derived from them*, (3.) *who suffer'd not any* Assemblies *of the* Clergy *to be made but by their* leave, *and according to their* Direction. (4.) §. 3, In which account I must observe several Failures. First, that before *legal* Provisions, Synods were no *Ordinary* or *Stated* Conventions; wherein he either confounds *Ordinary* and *Stated* for *terms equivalent*, or distinguishes them; but whether *one* or *the other*, he is a little out. For if he *Identifies* them, as I believe he does, yet it was not accurately true, what his Words apparently drive at, that *there were no* ordinary, *or* stated *Conventions before the Christianity of the Empire*. The 37*th Canon Apostolical*, beside other Testimonies of those purest Ages, is a full Evidence of the contrary. But if he *diversifies* the Terms *Ordinary* and *Stated*, and so as well denies, that there were any Synod called upon *ordinary Occasions* also in the first Ages, even this is also a mistake; since among all those Convened for *Government* and *Discipline*, whose *Occasions* were for the most part *Ordinary*, those convened for the Election of Bishops were most eminently such, i. e. *Ordinary* upon *ordinary Occasions*, not at *times Stated*. Of this we have a celebrious Illustration in the claim of the Isle and Province of *Cyprus*, which asserted her Right from the days of the Apostles, to a free comestick, and unsubjected Synod in the choice of her *Metropolitan*, &c. which the first *Ephesine* Council found good, and continued thereupon her Immunities against

His first general Assertion in Fact.

(1) Auth. of Chri. Pr. p. 13.

(2.) *ib.* p. 14.

(3.) *ib.* p. 14, 15, 16.

(4.) *ib.* p. 17.

(5.) Concil. Ephes. 1. *Act* 7. the then designs of the *Antiochene* Patriarch. (5.) Were I therefore forward of Advantages of turning every Misadventure to the worst, I have here a fair Occasion to suggest, that the *Doctor* tied up the most Ancient Synods to *extraordinary Occasions only*, that the *infrequency* of such Occasions might evince an *infrequency* of Synods in those most Primitive Ages; for else why shou'd he so *emphatically* assign *extraordinary* Occasions, were it not *distinctively* to exclude the *Ordinary*? But if he takes all *incidental Occasions* out of *stated* Times to be *extraordinary*, then I yield it to be of a *more innocent*, though *less accurate* Conception; since we *ordinarily* call all *common* and *usual* Occasions *Ordinary*, though never so *casual* and *uncertain* as to *set Times*. Secondly, as to the *Lawfulness* of Synods convened without *Command*, or *express Allowance* of the Emperours; I refer (6.) *Supr. Chap.* 4. §. 6. the Reader to the account already given, (6.) here only asserting, that such Synods might be *Lawful* by the *Laws Divine*, though wanting *Imperial* or *Civil Command*, *Licence*, or *Authority*, and *was* in the *Christian* Assemblies for *Worship*, and there *is*, and *was* the *same Reason* for it in these Ecclesiastical *Councils*. To which I may add, that the *Want*, or *Prohibition* of *Civil Laws* under *Heathen* Powers made them as *civilly unlawful* as the *like Want*, or *Prohibition* under *Christian* Powers can do; and so the immediate connexion of this the *Doctor*'s Resolution with the Antecedents do seem to intend, and clearly enforce. And so this would still prove too much, *viz.* For the same Authority altogether over Synods and Synodical Matters in *Heathen* and *Christian* Princes.

§. 4. But since this seems to have been but a preliminary cast to introduce the following Assertions, and so less considerable in its Matter and Errors; let us now come to the Main, that *under Christian Emperours all Synods Ecclesiastical were* in Fact *assembled only by the Imperial Authority, because by Imperial Command, or Allowance.* To which we *Chap.* 2. §. 6. must here apply our former Observations; † first that *Authority* cannot be founded in *meer Licence*, for then it could hereby have been derived as well from *Pagan* as from *Christian* Emperours, or Princes. Besides, *meer Licence.* giving only *security* to the *actual Convention*, could not *originate* that *internal* and *antecedent Authority*, by which they convened, and so he must expunge all those *Instances* as *Inconclusive*, which were only *permitted* by Princes,

Princes, (7.) as not recieving their *Authority*, but only their *Liberty*, *Impunity*, and *Security*, from the *consenting*, or *permitting* Princes, which is no more than what *Heathen* Kings could have given them especially when it is considered, that these were *Heretical*, not *Catholick* Princes. Secondly, he tells us, that when *General*, or *National* Councils were called by Princes, they generally wrote to the *Metropolitans alone*, *directing*, or *permitting* them to bring what *Suffragans* they thought fit along with them; (8.) by which he designs to establish his *fifth Article*, of *Right*, *that Princes may direct, or make choice of the Persons to be called.* But what he immediately adds, destroys this his first *general Assertion*, viz. *That the Metropolitans in such cases did often call a Provincial Synod, and therein agree who among them should attend upon their Primate to the general Council, but neither did they always take this course; nor when they did, had they any* direction *from the Emperours so to do.* (9.) Say you so indeed? Then such Provincial Councils were *arbitrarily* called by the *Metropolitan* at *Discretion*, without any *fixed Law*, or *Rule*, binding him always so to do, and without any *particular Warrant*, *Direction*, or *express Licence* from the Emperours so to do. How then were these called by *Imperial Authority*? For an *Imperial Order*, *Warrant*, or *Licence*, meerly to bring *Suffragans* with him, or such as he thought fit, to the Great Council, was not simply in it self a *formal* or *vertual Commission* to the *Metropolitan* to call a Provincial Synod for their *Election*, which by the Emperours was left to his *own alone Discretion.* Nor can these Provincial Councils be refer'd to the *5th Nicene Canon*, as not being Stated to the *Vernal* or *Autumnal Terms*, but *Occasional*, not to end Controversies in their *own Province*, but to prepare *Agents* and *Councils* for *other Provinces* also, which that *Nicene Canon* directs not to. So here the *Doctor* has brought a *confessed Custom* against his own *Principles of Regal Right*, and *general Assertions in Fact.* Nay, thirdly, what he further adds about all Councils *less* than *General* or *National*, more apparently contradicts these his *Notions* of *Right* and *Assertions* in *Fact*, viz. that *Princes did not often interpose in lesser Synods——— that to the Provincial Synods all the Bishops, if able, were obliged to come, and they brought with them for their Companions such as they thought fit. At the Diocesan Synod*

7. *The Conference consented to by King* Gondebald, *p.* 20. *that of* Arles, *ib. the* 2d. *of* Toledo, *p.* 21. *that of* Clermont, *p.* 28. *that of* Tours *ib. that of* Epaone, *p.* 20. 21. *in which the pretended Royal* Consent *appears not.*

(8.) Auth. of Chr. Pr. p. 40.

(9.) *ib.* p. 42.

(10.) *ib.* p. 40. 41. *every beneficed Person was required to appear.* (10.) Now the *Doctor*'s Cause requires him to prove these Usages and Obligations to be originated *solely* in *Regal* Constitutions, which I want to be convinced in, especially since in these *lesser Synods* Princes did not *often interpose*. The Synods of the *Clergy* under their *proper Bishops*, were of *Divine Right*, and *Canonical Practice* from the beginning of Christianity, before there were any of those *endowments*, which we now call *Benefices*, the duty being founded in the *Order*, and *Offices*, not the *Benefices* of the *Clergy*; and so it continued down from the beginning *the same*, for many Ages in the Christian Empire and Kingdoms, without any *Interposition*, or *new Constitution* of Princes. Nor does the pretence of the 5*th Nicene Canon* take place in these, which concerns only the *Provincial Councils* of Bishops; of which we have given already the Sense of the Ancients, in contradiction to those of the *Doctor*. And what of the *Doctor* may be alleged in contradiction to himself, to prove that these Synods were not called by *Imperial Authority*? For he that allows them no *constant* or *legal* Establishment before the *civil Laws* confirmed them, which came not in upon these Matters till *Justinian* the 1st's Reign, † and that they were not *till then* of Course allow'd of without *express consent* of the Emperours, *must* and *does*, to their former Authority before *Justinian*'s Law, require the *express command*, or *consent* of the Emperours. (11.) From whence it follows, that the *supposed Imperial Ratification* of the 5*th Nicene Canon* was not a *perpetual Establishment*, but only an *express Command*, or *Allowance* for *Constantine*'s own time at utmost, and consequently was of no Authority with the Church in any *intermediate Reigns* until *Justinian*'s, except *such only*, in which the *intermediate Emperours* did again *new ratify* it, which none can be pretended (not so much as *indirectly*, or *virtually*) to have done, but they only, who held the following *general Councils*, and by a *supposed Confirmation* of *them*, may be conceived to have *confirmed* the *Nicene Canons* by a kind of *implication*. So that all the Provincial Councils, held twice a Year, according to the 5*th Nicene Canon*, in all the Imperial Reigns between *Constantine* the Great, and *Justinian*, were *expressly* summon'd by *Imperial Order*, or *Licence* or else were *utterly inauthoritative*, except in the Reigns

† Auth. of Chr. Pr p. 18. *where making a marginal Reference to* Balsamon *on the* 5th Nicene Canon, *it is evident, that by* Civil Laws *he intends* Justinian's, *refer'd to there by* Balsamon. *Vide.*

(11.) *ib.* p. 14. 15.

Rigns of *Theodosius the Great*, after the general Council at *Constantinople*, and of *Marcian*, after the Council of *Chalcedon*, and this *during only their Reigns*. Now in those other Reigns between *Constantine* and *Justinian*, let the *Doctor* take his choice to say, either that every of those Christian Emperours (and among them the *Hereticks*) made *Laws* for the observation of that 5th. *Nicene Canon*, or else gave *particular express Order*, or *Licence*, for *every Provincial Synod*. If the *former*, let *them*, or *their Testimonies* be produc'd. However on concession hereof it will follow, that they were settled by *civil Laws* before *Justinian*, (which yet the *Doctor* denies) and consequently had no need of any *other particular Command*, or *express Allowance* of the Emperour, which is contrary to his *actual account* herein. If he says *the latter*, then is it not true, *that Princes did not often interpose in these Synods, which were less than General or National*, which yet they must *twice a Year* for several *long* Reigns in *all* their *vast* Dominions. But whether of these he shall chose to say, I must require him not *barely* to *say*, but *firmly* to *prove* it in *Fact* true, by production of credible Authorities. But if he refuses both these Pretensions, then must he yield, what, indeed, he above grants, that *the Emperours seldom interposed in them, either by Law, Precept, or Licence*; but then the fatal Consequence upon his *first Article*, and *Aphorism* will be, that all the Provincial Synods between *Constantine* and *Justinian*, except in some part of the Reigns of *Theodosius the Great* and *Marcian*, were *Null*, *Inauthoritative*, *Seditious*, and *Sinful*, as having no *Imperial Warrant*, or *Authority*. But the Absurdity of this inevitable Consequence is so gross, that, I suppose, 'twill shock either the *Doctor*'s Credit, or his Confidence. But because the *Doctor* affects the Authority of the great Bishop *Andrews* herein; let us examine how far they agree with Truth, and themselves. They both then found the Authority of convening those *National* and *Provincial* Synods (which carry in their Acts no mention how they were called) on this 5th. *Nicene Canon* as *confirmed* by *Constantine*, and the *Orders* and *Laws* of *following Emperours*; (12.) but in this they differ, 1st. that the Bishop requires the Imperial *Order*, or *Precept*, for their Authority before *Justinian*'s Laws; but the *Doctor* shrinks from the *Bishop* herein, and is content with a *meer Imperial Consent*, or *Allowance* as *able* to give *sufficient Validity* to this *Canon* and the *Synods convened purely upon it*, which I have proved alone *insufficient*

(12.) Bp. *Andr. Ser. of Assemb.* Dr. W. App. *p.* 64.

to create any Authority; and so while the *Doctor* was afraid of the *Bishops* extreme, and thought to evade it by a more wary *latitude*, he fell into another, and so has sunk the Cause thereby. 2dly, No *National* Councils, as distinct from, and greater than *Provincials*, especially the *Mixt* and *Incorporate*, are instituted by the 5th. *Nicene Canon*, to which yet the *Bishop* refers them as their *proper Original*, when *their call* is not otherwise *expresly* declared, and so no doubt was mistaken as to *such* Councils. 3dly, All *lesser Councils*, handling Matters without their own Province, acted not by the Authority of this 5th. *Nicene Canon*; and several such there were held *good* and *valid*, without any *Imperial Licence*, particularly such, as being *convened meerly* by the *Metropolitan*, chose *Delegates* for *larger Councils*, with proper Instructions given them on the more general Concerns. 4ly, All other *valid occasional* Synods not *convened* at the times *stated* by the *Nicene Canon*, nor by *particular Warrant* of the Emperours cannot be warranted by *this Canon*, of which there were very many, as shall appear hereafter. 5ly, No *mixt* Councils were intended in this Canon, and yet many such there have been without any apparent call of *Christian* Princes both *good* and *valid*. 6ly, The Authority of the *Nicene Canons* extended beyond the *Roman Empire*, even into *Persia*, by the Authority of their *Metropolitan* of *Ctesiphon*, and into the *Gothick Scythia*, by their Bishop at *Tomis*, that sate in this Council; not to add, that these Canons were transmitted into *India*, also, and the other *Scythian* Countrys, which shews their Authority not to stand on *that* of the *Roman Emperour*, or his *Ratification*, which is no where acknowledged as *fundamental* to the *Canonical Validity* of any Ecclesiastical *Acts*, or *Canons* whatsoever, in any approved passage to be found in all Antiquity. And so much for his first general Assertions in *Fact*.

His 2d general Assertion in Fact. (13.) Auth. of Chr. Pr. p. 33. 34. Sect. 30. 31.

§. 5. His second general Assertion of this kind is, *that whenever the Civil Magistrate has refused to call a Synod, tho' the Affairs of the Church seem'd never so much to stand in need of one, and the Bishops have never so earnestly desired one, yet have they quietly submitted to the refusal*, &c. (13.) which he designs as the *Basis* of his *second Article* in *point* of *Right*. I am not by my Method here to oppose particulars, but only to offer some considerations against the *pretended concludency* thereof, and *intended conclusion* thereupon. First, then it is nothing to the case and purpose of all the *pure*

and

and *lesser* Synods, which might of *Canonical Right* and *Course*, be called by other Powers without any *Princely Licence*, or *Order*. For if the Princes prohibited not *such* Councils as might convene of course without *Royal Warrant*, they had reason to submit quietly under a *refusal* of *such* as could not be *Authoritatively* called without *Royal Assent*, or *Order*. Secondly, it is to be noted, that the *Doctor* raises this *general Observation* only from the refusals of *general Councils* made by *Constantius* the *Arian*, and *Theodosius Junior* the *Eutychian*, ¶ of which more in due place. But what is this to the *Rule* or *Practice* of *Godly* and *Catholick* Princes in their dealing with *pure Provincial* Synods? Could there be any *Prescription* from the *Practice* of *Impious* and *Heretical* Princes, the proper inference perhaps would be, that such *ill Princes* may refuse *general Councils* to the *Requests* and *Exigencies* of the Church; but 'twill not extend to *Catholick* Princes, nor other *Councils*; except a pretended Argument be drawn *a fortiori*, that if *Heretical* Princes have denied *general Councils* to the Church, and have been submitted to therein, therefore *Catholick* Princes may upon *such Precedents* rightly deny the Church all sorts of Synods, and rightly require the *like Submission*, which is a Consequence I utterly deny. And so much may suffice to detect the *insufficiency* of this his *second general Assertion*.

¶ *For such he was, when he refused a general Council to review the* second *of* Ephesus.

§. 6. His third general Assertion in *Fact* is, *that Princes continued still to exercise the like Authority over stated and annual Councils provided by the first Synod of Nice, and others, and allowed by the Christian Emperours, and Princes themselues, not suffering such Councils to be held without their leave, or against their Consent.* (14.) Now if he means it of *all* Princes, I utterly deny it, and require proof, if of *some* only, 'tis *insufficient* to prescribe *universally*; since an *universal Right* cannot be presumed but upon *universal Practice*. Well, how then does he pretend to prove it? Why only by two or three Instances in *France*, in those Ages, wherein their Synods were *mixt* and *incorporate*, whose *Practices* however were *disallow'd* and complain'd of by that Church, and confessed *naught* by their other Godly Princes of a greater Number. But suppose this *Paucity*, and the *Domestick Condemnation* of *these Practices* were no bar to their then *Validity*, and *Prescription* for *futurity* in such *their own mixt Constitutions*, yet these could not be *Precedents* or *Arguments* against the Church Rights of *former Ages*, or *other Countrys*, and

His 3d. general Assertion in Fact. (14.) Auth. of Chr. Pr. *p.* 34.

and that in the *other ſorts* of Synods, that were *Pure* and *Provincial only*. Nor does the *Doctor* in the next place prove the *acquieſcence* of the *French*, or other *Churches* in the *acknowledg'd Right of ſuch refuſals*, which was the *main thing* to be conſider'd, and which we therefore ſhall endea- to look into.

And here the *Doctor* has propoſed unto us the procedures of the *ſixth* Council of *Paris* † *An.* 829. which was called by the Emperour *Louis*, and *Lotharius* his Son, to enquire into, and reform all abuſes and impieties in the Princes, and all Orders whatſoever, to the averting of God's Judgments then lying ſignally heavy upon them; among the reſt of which diſorders, this of *intermitting the Courſe of annual Councils*, is obſerved for one grand one, which they decently and implicitly charge upon the Crown for time paſt, by deſiring the preſent Princes to reſtore the *former Courſe* of Councils, not as *of meer Grace*, but as *of Right due* to the Church againſt *former Violations*. I ſhall not grudge to give you their Senſe in our own Tongue. *It belongs*, (ſay they,) *to the* Office *of* Eccleſiaſtical Authority, *that whatſoever noxious Matter ſhall grow up in the field of God's Holy Church, it cut it off with the hook of moſt equal Diſcretion, that ſo the State thereof, perſiſting unſhaken, may be able to go on rightly and inconfuſedly by the way of its Order. Which ſince 'tis ſo, among the other Matters, which run counter to the* ECCLESIASTICAL, yea DIVINE AUTHORITY, *there has crept in a miſerable and dangerous Cuſtom* of our time, *which is very contrary to* CANONICAL AUTHORITY, *in that there are not through every Province Councils of Biſhops held twice a Year, as the* CANONICAL CUSTOM *teaches. And by reaſon hereof there groweth a vaſt Damage to the* Intereſts *of the* Church, *an unuſual Trouble to the* Ears *of the* Prince, *and the* Impunity *of many Wickedneſſes; for which Cauſe it ſeems very neceſſary to all, that* LIBERTY *of* Time *be implored of his* Imperial Highneſs, *wherein* theſe Councils *may be decently and conveniently held to the Honour of* God, *and to the* Benefit *of* God's Holy Church, *and the correction of many. And if* Theſe, *becauſe of ſome preventing Neceſſity cannot be held* twice, *they may at leaſt be held* once *a Year. Becauſe if* theſe Councils *(as has been ſaid) ſhall be celebrated in every Province* once *a Year, both the* Eccleſiaſtical Honour *will recover the* Power *of its* Order, * *and the Impudence of ſome proud Clerks, which every where trampling upon*

† *The* Doctor, *or his Printer have miſ-ſet the* Fifth. *p.* 36.

See l. 1. Cap. 26.

Note that 'tis Liberty *not* Authority; *this being before owned to the Church.*

* *Mark this.*

upon the CANONICAL AUTHORITY, *obtrude much trouble on the Emperour's* Ear's, *will ceaſe, and the* Impunity *of diverſe Wickedneſſes will not have thoſe hiding Places, which it now hath; and many other things, which have hitherto gone on otherwiſe than the* Eccleſiaſtical Diſcipline *teaches, will by God's Favour keep their* own [due] order, *&c.* Such a DEMAND was alſo made by the Council of *Langres*, (15.) upon the ſame *Canonical Rules, Cuſtoms*, and *Reaſons* of *Church* and *Kings* in former times; and this, being admitted in the Council at *Saponarias*, gave occaſion to the 2d. *Canon* thereof, *that the Biſhops according to their Miniſtry and* SACRED AUTHORITY *ſhould be united, and by their mutual Conſent and Help, govern, and correct the Kings, and* Peers *of the Kingdom, and the People committed to them in the Lord, that none ſhould withdraw themſelves from their mutual Encouragement, but provide to frequent the Synodical meetings according to the Canonical Injunction, that ſo the Eccleſiaſtical Order, which had been at this time obliterated, becauſe the Synods could not be frequented through the diſcord of the Kings, might by Epiſcopal Conference be reduced to its neceſſary, and due State; to which purpoſe they had obtained the deſired conſent of the Kings.* From all which, 'tis illuſtriouſly evident, that the Church had *Right* to theſe Synods, that the *interuption* of them had been a *great* and *ſcandalous* Evil, induced either by the *Impiety*, or *Diſcord* of *Kings*, from whom they *petition* and *demand* Reſtitution of their former invaded *Rights* and *Liberties*; and therefore when *Charles the Bald*, conſented to the will of the Biſhops, and the Canonical Ordinances, and ſo called the 2d. Council of *Soiſſons*, *An.* 853. he did but yield them a *confeſſed Right*, not vaunting his *Supremacy*, but *humbly behaving himſelf as a good Son and Protector of the Church*, (16.) though this was not a Synod of a *ſingle Province*, and *purely Canonical*, but of a *mixt Authority*, and *National Amplitude*, and ſo more properly founded on their former Conſtitutions, admitting the King's Intereſt in them. And yet the *Doctor* has brought *all theſe* as *Inſtances* of the *no Rights* of the Church to *ſtated Synods*, and of the *Omnipotent Right* of Princes to *obſtruct them.* I have no itch to complain of his Sincerity, but I confeſs herein I cannot tell how to juſtify it. But this being ſo, and the Conſtitution of the *Synodical Powers* againſt *Kingly Injuries* ſo fully vindicated in *this* and *ſeveral other* Conciliar Monuments of that Country, how can the *Prohibition* of King *Sigebert* upon *Wolfolendus*, Biſhop of

(15.) Can 7. Poſcendum, *&c.*

(16. Præf. *et Can.* 1.

Bourges

Bourges holding a *Provincial* Synod according to the *Canons* (which were then Statute Laws) be juſtified upon thoſe Petenſions in his Letter to *Deſiderius*, which any Tyrant may uſe to the deſtroying all *Parliamentary* and *Synodal Seſſions* whatſoever? (17.) And yet if the King had had ſuch Power over *mixed* Synods by their *Incorporant Conſtitutions*, it can preſcribe for *no ſuch* Authority againſt the *Stated Provincial* Synods *pure*, and *not incorporate*, and ſo it is *altogether*, and at *the beſt* Impertinent.

(17.) Auth. of Chr. Pr. p. 35.

§. 7. His *fourth general Aſſertion* in *Fact* is, that *Princes evermore determined*, or *allowed the* Time *and* Place. (18.) This is ſet to ſuſtain his *fourth Article* for the *Regal Rights* herein. In this we are not therefore much concern'd, and can yield it to be true in all ſuch *occaſional* Synods, in which Princes, from the beginning, and in the Preparations, *interpoſed*, ſuch as uſually were the *General*, and (in imitation of them) the *National* in moſt Countrys; but this we cannot grant in thoſe *leſſer Synods*, in which they *interpoſed not*, which they, by the *Doctor*'s Confeſſion, ſeldom did. Then ſecondly in all Synods, whoſe *Times* and *Places* were fixed by *Precedent Laws* and *Canons*, the *after determination*, or *allowance* of Princes was not *Arbitrary*, but *due* to the *Conſtitution*, like the *determination*, or *Allowance* of the *Metropolitans* and *Biſhops*, not conſiſting in *Letters of Licenſe*, but in *proſecution* of the *Stated Rules* herein. Now to prove *this general Aſſertion* for all Councils, the *Doctor* produces but three Inſtances, *one* in *Marcian*, in aſſembling the 4th. General Council at *Chalcedon*, after he had altered his thoughts for *Nicæa*, and the *two other* in the Conſtitutions of King *Pepin*, and *Ludovicus Pius* for the *mixt*, *incorporate*, and *National* Councils of *France*; from which no conſequence in *Fact* can be drawn, that all *Chriſtian Princes* generally did the ſame in *all other pure and leſſer Councils*. But however I am to note, that the *Doctor* has not recited that of King *Pepin* fairly, or exactly. For the determination of the Times for the *National* Synods of *France*, *one* on the *firſt* of *March*, the *other* on the *firſt* of *October*, the *former* at the *Place* of the *King's Nomination*, the *latter* at *Soiſſons*; or the *Place* fore-choſen by the *Vernal Synod*, is by the *Doctor* alone aſcribed to King *Pepin*; (19.) whereas this was not *his ſole* Conſtitution, but of the Council by him called at *Vernis*, *An.* 755. (20.) and

(18.) *Ib.* p. 36. &c. *His 4th. general Aſſertion.*

(19.) Auth of Chr. Pr. p. 38.

(20.) and therefore *their grant* and *Contract* to and with the King, both for *his choice* of *Place* and *theirs* at the *two Seasons*, and *their choice* was not *meerly* of the *King's Grace*, or *Authority only*, as the *Doctor* represents it.

(20.) *Vid. formam Præfat. et Can. 4ti. pluraliter loquentem nomine Espiscoporum.*

§. 8. His fifth Assertion herein is partly of *Fact*, and partly of *Right*. That of the *Right* has been already considered, and that of *Fact* comes in properly here, which is of this Intention, *that the Synods of the Christian Church have ever had an entire dependance on their Christian Princes in appointing, or ordering the* Choice *of the* Persons *that are, or were to come to them*, (21.) viz. as it appears from his particulars, that *such Persons* were ever obliged to come as the Princes required, and *such*, and *such only*, had Right to come, whom they admitted, or directed. The Instances which he brings for it are of three *General Councils*, and the *National Synods* of *France*, particularly the Synods of *Vernis*, and *Aix la Chapelle*, assembled by King *Pepin*, and *Charles* the Emperour, *An.* 755, 816, But these are of no *Precedency* in Argumeut for this *Choice* and *Direction* in *Fact* in *lesser Councils*, in which he himself says Princes seldom interpos'd, and consequently not *Prescriptive* of such *Regal Right* of *Choice* and *Direction* in *those lesser* Councils. But because they may be adduced to *prescribe* for such a *Regal* Power over *General* and *National* Councils, they shall have their Examination hereafter in due place, as to their *Pertinency* and *Justice*; in the mean time I shall offer some general Observations directly contrary to this the *Doctor*'s general Assertion.

general Assertion of Fact.

(21.) Auth. of Chr. Pr. p. 38, 39.

And first as to *General Councils*, though they were called by the Emperours, yet the *Choice* of the *Persons* was not entirely at *Imperial Discretion*. For, First, it was not *usual* with them, nor in their *Rightful Power*, to exclude the Bishop of *Rome*, or his *Representatives*, *Socrates* making mention of a *Rule*, that *the Churches were not to institute Canons without the Cognizance, or Consent of the Bishop of* Rome. (22.) Many are the Disputes, I know, upon this Rule, whether ever there were such a one, because no where found but in *Pope Julius* his Letter, or if there were any such, of what Sense it must be. But supposing any such *Ecclesiastical Canon*, I take it, that it must be intended of *Canons* for the universal Church, such as those of *Antioch*, under *Constantius*

(22.) *Eccl. Hist* l. 2. κ' ή'. l. 10. κ' ἰζ' κανόνα ἐκκλησιαστικὸν κεκλῦσθαι μὴ δεῖν ἄνευ τῆς γνώμης τοῦ ἐπισκόπου Ῥώμης κανονίζειν τὰς ἐκκλησίας.

were

were design'd to be. And therefore *Pope Julius* complains to the Bishops of that Council, that they had not called him to it, while they designed to set up their *Act over the Catholick Church*, whereas by the Ecclesiastical Canon this could not be done, Χωρὶς γνώμης τῆς ἐπισκόπου Ῥώμης that is, without *his Consent*, on behalf of the *Western Church*, no particular Council should undertake such a Power or Design; which *Consent* of his they could not pretend to, as not having call'd him, nor expect it on the *Postfact*, for *that* as well as *other* Reasons. The ground of the *Papal Interest* herein was, that from the beginning by the *Conveniences*, and *Advantages* of that *Imperial* City for universal Commerce, the *Pope* had been ordinarily used as the *Mediator* of all the *Epistolary Correspondences* between the *Eastern* and *Western* Churches, and thus become as it were the *Corner Stone* or *Centre* of the *Catholick Union*. And hence he never was omitted by Emperours in their calls of General Councils. And yet notwithstanding his Right to be called to them, when any such were called, he never upon *bare Imperial Precept* appear'd in *Person* at any Councils out of *Rome*, insomuch, that after a Century or two, the Popes pleaded this *Privilege* by *Prescription*; (23.) and so were after rather *invited*, and *exhorted* than *commanded*, as will after appear in Particulars. But though they appear'd not *themselves*, yet they sent their *Representatives* rather on their *own Right*, or in *Conscience*, and *Duty* to the *Catholick Service*, than the *Coercive Authority* of the Emperors, which *Representatives*, though not *named*, or *allow'd* by the *Imperial Letters*, the Emperours never *refused*, nor pretended *Right to refuse*, which yet they *might*, and *would* have done, had they been of the *Doctor*'s Notions, that the Bishops in *Synod* are *only* of *Regal Council* and *Nomination*.

(23.) Hormisd. Pap. *Epist.* 5. Leo. Pap. ad Pulch. Aug. Concil. Chalc. *par.* 1. *c.* 12. et ad Theod. Imp. *c.* 17.

From these *Usages* of the Popes proceed we to the *other Patriarchs*. And first it is well known, that the Sees of *Alexandria*, and *Antioch*, as well as *Rome*, were from the beginning of *greater Ecclesiastical Eminency*, than other *Metropoles*, and had *larger Synods* of several Provinces under them before the Empire became Christian, which is particularly own'd in the *Sixth Nicene Canon*. In after Ages *Constantinople*, and *Jerusalem* (as well as these) were advanced to the *Patriarchal* Dignity, and Authority by *Synodical Constitution*. Upon which the Emperours, that designed General

General Councils, always ſummon'd theſe *Patriarchs*, without which they judged the Council void of *Oecumenical Authority*. And hence the Emperour *Baſilius* condemns thoſe Councils, which the *Photian* Party had made without the *Patriarchs*, tho' by *Imperial Force* and *Order*, which alone was ſo far from giving *Right*, that therein conſiſted the very *form* of the *Injury*. In *Egypt* nothing no not in General Councils, could be done by their Biſhops without the Arch-Biſhop of *Alexandria*'s Precedence, upon any Command *Imperial* or *Conciliar* whatſoever. (25.) And yet theſe *Patriarchs* alſo did not always appear (though called) in *Perſon*, but ſometimes ſent their *Deputies* and *Repreſentatives*, which ſhews, that they judged their Service *due* to the *Church*, rather than the *Emperours*, and ſo at their *own Diſcretion* appeared, either *Perſonally*, or *Repreſentatively*, as will hereafter appear in Particulars. But becauſe Patriarchs alone could not make an *Oecumenical* Council of an Authority univerſally Obligatory, therefore there was a neceſſity of *other Biſhops*, and eſpecially *Metropolitans*, becauſe by the 34th. *Canon Apoſtolical* (continued down by others to all Ages) no Biſhop could, in matters without their own See, attempt any thing without their *Metropolitan*. That Emperours therefore wrote to *Metropolitans* to appear at general Councils, was not matters of meer *Imperial Pleaſure*, but the *Metropolitan*'s Conſent, and *Canonical* Cenſure and Neceſſity, ſince otherwiſe the Provinces could not be obliged by ſuch Councils, and theſe *Metropolitans* alſo ſometimes uſed a like Power of ſending their *Deputies*, with Letters *Credential* and *Authentick*, given to their Biſhops, ſuch as themſelves had from their reſpective *Patriarchs*; all which were requiſite by the *Laws*, *Synodical Canons*, and *Eccleſiaſtical Conſtitutions* to make an *Oecumenical* Council *Valid* and *Authoritative*, if St. *Maximus* underſtood them; who in this Conference convinced *Pyrrhus*, the ſometime Patriarch of *Conſtantinople*. (26.)

(25.) *Loquens ad Euthymium, et ſocios ejus in Concilio dicto octavo General.* An. 869. Act 6. ὑμεῖς ἀρχοντικῇ χειρὶ σωφόβους ἀπάλλους μόνοι χωεὶς παλειαρχῶν πεποιηκότες, ἀγίας ταύτας καλεῖν ἐτολμήσατε, καὶ ταύτῃ ὑπὸ πάντων τῶν παλειαρχικῶν θρόνων συγαροτηγεῖσαν τολμᾶτε διαβάλλειν. *vid. infra. margin.* num. 26. *de conſenſu Patriarcharum.*

(25.) Concil. Chalced. *Act* 4.

(26.) *S. Maxim. diſp. cum Pyrrh. de Conciliab. Monothelitick. Conſtantinop.* πῶς σωφόβην ἀποκαλεῖς ἢ μὴ κατὰ νόμους, καὶ κανόνας συνοδικὰς καὶ χάρτας γνησιωφρόνων ἐκκλησιαστικὰς; ὅτε γὰρ ὅπισθεν ἐγκώκλιον κατὰ συναίνεσιν τῶν παλειαρχῶν γέγονεν—συναπαγὲ οἱ συνελθόντες ἓν ἔχον, ὅτε οἱ ὅπισθεν τοῦ ἀπὸ τῆς Μητροπόλεως ὅτε οἱ Μητροπολίται ἀπὸ τῆς Πατειαρχῶν ἓν ὄπισθεν αὐτῆς τυποῦνται ἀπὸ τῶν ἄλλων Πατειαρχῶν ἐπέμφθησαν.

And

And Fourthly, Emperours were as much obliged to admit other *leſs Biſhops*, alſo in order to Councils *truly General*; for that by the *ſame Canons* Metropolitans could Act nothing relating to their whole Provinces (much leſs relating to remoter Churches) without their *Comprovincials*; for which cauſe they were wont to call *Provincial Synods* for the *Election* of *thoſe Suffragans* that were to attend their *Metropolitan* to the *General* Council, and when they did not, 'twas of either *Tyranny*, or *inevitable Neceſſity*, or *Conſent* of the *Comprovincials*; in which *laſt caſe alone* could *their Acts* oblige *their Provinces* by their *own proper Validity*; in the *other two Caſes* of *Neceſſity*, or *Tyranny*, *only* by an *after Conſent*, and *voluntary Reception*. And therefore *Pope Leo* the 1ſt. declares it neceſſary to a Council *truly Oecumenical*, that Biſhops be called out of *all* Provinces. (27.) And *Conſtantinus Pogonatus*, does plainly confeſs the *deficiency* of the 6th. Council by him called, in that he had ſtinted the numbers out of *cogent Neceſſity*, whereas otherwiſe he had intended a full Congregation from all Churches, that it might have been Complete. (28.) And yet the ordinary Biſhops, howſoever called, when upon good Reaſons they could not be, or were not *Perſonally* preſent, had *Right* to *Deputies*, or *Proxies*, to *Act* in *their Name* and *Authority*, againſt which there lay no *Imperial Right*; the Truth of which appears in ſeveral ſuch Councils, and their Subſcriptions.

(27.) *Epiſt.* 49. *ad Marcian. Imp.* ut vocatis de cunctis Provinciis Sacerdotibus vere poſſet eſſe univerſale Concilium.

(28.) *Sacr. Imp. ad Pap. Donum. in* 61. *c. Concil.* ἐκ μὲν τὸ κατ' ἡμᾶς ἀγιωτάτης Ἐκκλησίας, εἰ μὴ ἀρέσκῃ αὐτῇ, ἐν τισὶ προσώποις ἀρχιερέων ἐπεὶ καὶ πλείονας, ὅσους ἀρέσκῃ αὐτῇ, ἐκπέμψει. Ἐκ μὲν τὸ Σωύδε (Scil. *Romana*) ἕως δεκαδύο Μητροπολιτῶν τὸ καὶ Ἐπισκόπων. ἐκ δὲ τῆς τεσσάρων Βοζατίων μοναστηρίων, ἓξ ἑκάστε μοναστηρίε ἀββάδας τέσσαρας. εἰ δὲ ἐπιδέχετο ὁ χρόνος, ὡς πρέπει, καὶ τελείαν συνάθροισιν ἔχομεν ποιήσασθαι μιᾶς, &c. vide.

Next to the *Oecumenical* (before *Incorporations*) were the *Patriarchal* Councils, or *ſuch* as were *equal* to them. Of theſe the *General* Councils of *Africa* were very *Illuſtrious*, which, on the Conſtitution at *Hippo*, and the 3d. Council of *Carthage*, were at firſt made *Annual*. To which, all the Provinces, that had *chief*, or *firſt* Sees, were out of their ſeveral Councils, each to ſend *three Legates*, except that of *Tripolis*, (which for the *Paucity* of its Biſhops was bound to ſend but *one*) to give that *general African* Council *full* Authority. (29.) Which Conſtitution being made by

(29.) Can. 2.

Authority

Authority *purely Ecclesiastical*, without any respect, mention, or supposition of any *secular*, the Right hereby Constituted left not the *Choice* to the *Imperial Direction*, but the *Synodal*.

As for Provincial Councils, That is known for a Truth, that all over the Catholick Church their *first Bishops*, or *Metropolitans* were wont to call them themselves; (30.) in which the *Christian Princes* seldom interposed by the *Doctor*'s own Confession, never to the *Choice*, or *Exclusion* of any Person, as far as I have yet observed.

(30.) *Concil. 3. Carth.* Canon. 7. *Provinciarum Primates ut quando apud se concilium congregant*, &c. vid. etiam. Can. 10.

In latter Ages, upon the *Incorporation* of Churches, their Episcopal Synods were either *National*, or *Provincial*. The *National*, in great Nations, imitating the General Councils, consisted of their *Primates*, *Metropolitans*, and *Suffragans elect by their Comprovincials*, where all Bishops could not be conven'd. From whence it appears, that *all Bishops* had an Original Right of convening, which, because of the *Difficulties*, they supplied by *Representatives*, not named at the *Arbitrary Choice*, or *Direction* of *Kings*, but the *Colleges Episcopal* in each Province, whom the Princes had *no Right* to exclude, notwithstanding their *Prerogatives acquired* by the *Incorporations*. In *Provincial* Synods, so *Incorporate* all Bishops were, of *undeniable Right*, and by *particular Constitutions*, of *absolute Duty* to appear, no *prohibition* of the *King* being *simply* of any *valid Authority* to *preclude* any *one Bishop*, who yet upon *necessity* might depute *Presbyters* to supply their inevitable absence. Upon all which notorious Truth, so obvious to every Man's Eyes that has look'd into these matters, I wonder how 'twas possible for even the Zeal of the *Doctor* to imagine, and much more to assert the *Choice* and *Refusal* of the Members to be in the Princes *sole* Right.

The Truth is, that where *incorporate Constitutions* had not vested Princes in a *Stated Authority* in these Matters, though Christian Princes did call Synods, 'twas generally upon *Consent* or *Desire* of the *Arch-Bishops*, or *Bishops*, upon Causes *notorious* and *cogent*; or otherwise the Bishops did not think themselves under a *moral Obligation* to a *Rightful Authority*, though they *actually submitted* to the *Will* of the Prince, to avoid a greater Evil, or to attempt some good. And therefore sometimes, when Bishops have

been particularly sent to by Mandate; upon *dislike*, or *Ignorance* of the *Causes* they have refused. At the instance of *Pope Vigilius*, on the business of the *three Chapters*, about which nothing could be done without the Consent of all; the Emperour *Justinian* sent to *Africa* and *Illyricum*, requiring their Bishops to come to *Constantinople*; but from *Illyricum* none would come, because they saw the Affair vexatious. (31.) *Mappinius*, Bishop of *Rhemes*, when called by King *Theobald* personally to be at the Council of *Toul*, *An.* 550. without any *notice* of the *Cause*, return'd him answer, that *he was not obliged to come without information of the Cause*, which being thereupon sent him, he went, but came too late. And he says, that *though 'twas his Inclination and Judgment to obey Kings Mandates in all good things, yet in this matter he thought the* charitable Consolation *of his Brother* Nicetius, *ought to be of more weight with him to meet in Council, than the* King's Call, (32.) and so was in *Practice* and *Opinion* widely different from the *Doctor*. Nor do I find in the *Imperial Histories*, that I have met with any Bishop (not *otherwise criminal*, or *suspicious*) punished for *meer Absence*, *Canonically*, or *Imperially*; nor any Person *denied*, that appear'd, *without Call*, or *Choice directed from the Emperours*; at any lawful Synod. 'Twas a most *laudable* and *right* Rule that was observed by the Emperours *Gratian*, *Valentinian*. *Theodosius*, in their convening the Council of *Aquileia*, An. 381. who *reserved such honour to the* Bishops, *ut nemo deesset volens, nemo cogeretur invitus, that* is, that *no one willing to come should be wanting, nor any forced to come against his Will, to the Oppression of him in his Age*, Weakness, *or* Poverty, *by long Journeys from remotest parts of the World.* (32.) And they also thank the Bishops of the Provinces of *France* and *Narbon* for sending their Representatives *Constantius* and *Proculus* to this Council; (33.) which had been very impertinent, had they been obliged thereto by the Emperour's Mandate, without which they were sent, and sate in this Council; which was however in general called by the Emperours, *with Liberty reserved*.

(31.) *Epist. Cleric. Italic. ad legat. Francor. proficiscent. Constantinopol.* Collect. Reg. Concil. Tom. 11. p. 659.

(32.) *Epist. Mappin. ad Nicet.* de *Concil. Tullens.* An. 550.

(32.) *Epist. Synod Aquileiens. ad dict. Impp.*

(33.) *Epist. Concil. Aquil. ad Episcop. Gall.*

§. 9. Thus then we have seen the *Sense* and *Assertion* of Antiquity contrary to those of the *Doctor*; let us in the next place see what supports he has for his five general Assertions in *Fact* from our own Worthies. For the first

of

of which he first alieges Bishop *Jewel*, saying, *The Christian Emperours in old time appointed the Councils of Bishops— Continually for the space of* 500 *Years, the Emperour alone appointed the Ecclesiastical Assemblies, and call'd the Councils of the Bishops together.* (34.) But here it is to be noted, that these short ways of lopping little Branches out of Authors, without laying down the whole plan of their design, or the other parts that clear their intentions, is very *insufficient*, not to say *fallacious*. Now in this place the Dispute between the *Bishop* and *Harding*, was about the calling of General Councils, whether they were called by *Papal* or *Imperial* Authority? These General Councils, being the *most Eminent*, are very often call'd *the Councils*, and are so reckoned the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, Council, *&c.* not that they were *all*, but only the *most Principal* Councils. And of the calling of *these* the dispute was, and of *these* the Bishop spake those Expressions. For in proof of them he instances immediately the four first Councils of *Nice*, *Constantinople*, *Ephesus*, *Chalcedon*, and so of *These* that saying of the Bishop, *p.* 592. is to be taken. Upon *These Harding* replies, and of *These* again the Bishop challenges him, *p.* 591, to shew, that the Pope called any one General Council by his *own only Right* without farther Commission from the Emperour, the Dispute being about the Government of the Universal Church by such Councils. 'Tis true, he adds some others also called, and desired of Bishops to be called by the Emperours, by way of *Corroboration* of his Arguments on the *former Subject*, but it is not of these sorts of *lesser Synods*, that he says, *the Emperour alone called them*; or if he had, our *Doctor* has not dared to follow him, for he grants that many of these were *but allowed*, or *consented to* by them. So that these places are adduced to prove either what is not by me denied of *General Councils*, or rather I do deny, namely that *all lesser Councils* were so call'd; if the *former*, 'tis *impertinent* and *fallacious*; if the *latter*, 'tis *impertinent* to the *Bishop*'s Design, and *false* as to the *Doctor*'s; and that even by his own *Principles*, *Assertions*, and *Concessions*. Of which Vices he is equally guilty in his Citations of Bishop *Andrews* against *Bellarmine*, that to Christian Princes belongs the *sole* Right of calling Synods by proof from the History of the General Councils that were Assembled under them. *Fort. Forti.* p. 165. and from the Examples of those which were afterwards held under

(34.) *App.* p. 40. 41.

(35.) App. p. 57 *Charles* the Emperour, *p.* 164. (35.) which well proves the Biſhop's Deſign againſt the Popiſh Pretences to the ſupreme Power of calling General Councils, which appertains to Princes only within the ſeveral Provinces of their Dominions, but reaches not our Caſe. The *Biſhop*'s Notions of *leſſer Councils* in his Sermon againſt the *Kirk*, has been already conſidered, and needs not be repeated here; only I ſhall again *mind* the *Doctor*, that himſelf follows not Biſhop *Andrews* in aſcribing the *call* of the *leſſer Synods* to *Imperial Precept* either *expreſs*, or *implied* in the *Imperial Confirmation* of the fifth *Nicene Canon*, but grants many of them to be Authorized *only*, and yet *ſufficiently*, by *allowance*, and ſo *he* and *his great Patron* are at variance in this grand Point.

§. 10. There is no other Paſſage by him cited out of our own Worthies agreeable to any of theſe his five General Aſſertions in *Fact.* and which I have, or ſhall contradict, but one of Biſhop *Bilſon* relating to the *Doctor*'s fifth Aſſertion concerning the Emperour's choice of Perſons.

(36.) App. p. 40 (36.) Where he cites *Theodoſius Junior*'s Letter to *Diocorus*, and *Order* to the ſecond Council of *Epheſus*. Of which I am not here particularly to enquire, but only note, that as this was a Council altogether condemned upon ſuch *ill Practices*, ſo *theſe* cannot *preſcribe* for *Right* in *ſuch Practices*, and were not critically, I believe, deſigned by the Biſhop ſo to do, but only to ſhew, that this Emperour, aſſuming ſuch a Power unto himſelf, did not acknowledge any *Papal* Supremacy, but preſumed, upon what confeſſedly was his own Supremacy, to do ſuch Acts, which yet the *real Supremacy* cannot juſtify.

The Scotch Queſtion anſwered. §. 11. And now after all this I ſeem to have a fair opportunity of anſwering the Queſtion propoſed by King *James* I. to the *Scotch Miniſters*, and by the *Doctor* to me. *Whether that King by his* Prerogative Royal, *as a* Chriſtian King, *had Authority to* convocate, prorogate, *or* cauſe Deſert upon *juſt* and *neceſſary Cauſes known to him, the Aſſemblies of the* Kirk *within his Majeſties Dominions?* (37.) To which I ſhall anſwer by the diſtinction of *Kirk-Aſſemblies*. For if the *Scotch Preſbyterian Aſſemblies* were only meant by them, and theſe conſidered *purely* as *Eccleſiaſtical* without reſpect to *Civil Sanction*; he had no Right *as a Chriſtian Prince* to *convocate*, or *prorogate* them, as being *Schiſmatical* and *Anti-Catholick*: but he had to *cauſe them Deſert*. But, in order to their being *legal Aſſemblies* within the State upon *Civil Eſtabliſhment*, they could have no *legal*

(37.) App. p. 59. *See the deſperate Note in the Margin.*

Right

Right to *meet* or *sit*, but by the *King*'s either *occasional Grant*, or *setled Constitution*. But if you extend the *Term* to all *Episcopal Convocations* also within his Majesties Dominions at that time; he had all that Authority therein, as a *Christian Prince*, that the *Christian Emperours* had over *Synods* in the *Primitive Church*, and *no more*; which has been accounted for already; though as King of *England*, by virtue of an *original Contract* between *our Church* and the *Kings*, he had *peculiar Rights*, which were restored to the Crown in *Henry the Eighth*'s Reign, and which we are obliged to acknowledge, though not his *additional Injuries*, and *Innovations*. And having thus freely given my Answer to this desperate Question, why may not I claim the like Liberty with the *Doctor* to answer me in my *Quæres*, 1st, whether the *Synods* of a *Presbyterian Kirk*, that holds her Assemblies of *pretended Divine Right, not subject to any inhibitions, delays, convocations, prorogations, or dissolutions of any Princes*, being *legally* established in *all its Principles* and *Claims* of *this* and *all other Spiritual Authorities*, by a *Christian King* in Act of Parliament, may be *lawfully convocated, prorogated*, or *dissolved by that King himself upon just* and *necessary Causes known only to himself?* 2dly, Whether such *Christian King* can *lawfully choose* their *Time* and *Members*, and *not they themselves, but by his allowance?* 3dly, Whether *such King may in such Presbyterian Countrys lawfully erect, or restore Bishopricks?* And 4thly, Whether *such a King, as will Establish Presbyterian Synods on their allowed claims and pretensions of Divine Right, ought not much more to do so for Synods Episcopal?* Leaving which *Quæres* with the *Doctor*, I conclude my Observations upon the *Rights* and *Customs* of *Christian Princes*, and the *Powers Hierarchical*, in *calling Ecclesiastical Councils*.

CHAP. VI.

Of the Right of *Session* in Synods Eccleſiaſtical.

§. 1. WE now come to follow and go on with the *Doctor* through the ſecond HEAD, *viz.* the SESSION of Synods Eccleſiaſtical, and to examine the Prerogatives therein aſſigned by the *Doctor* to all *Chriſtian Princes as ſuch.* Theſe he ſtates with reſpect to two Particulars; firſt, *their Princely Authority to govern ſuch Synods when Aſſembled, and to direct their Proceedings:* And 2dly, *to ſit with, and preſide over them in Order thereunto.* (1.) Upon which, after all his Reaſonings and Inſtances, he ſummarily concludes, 1ſt, *that the Chriſtian* Prince *has a Right to preſcribe to his Synod the Work they are to go upon, and to reſtrain them from medling with ſuch things as do not belong to them.* 2dly, *That he may direct, not only the* ſubject, *but the* Order *and* Method *of their Debates*: 3dly, *that he may, if he pleaſe, ſit and deliberate with his Clergy in them, and interpoſe his Judgment, not only in matters of* Diſcipline *but of* Faith *too.* 4thly, *That 'tis not only his* Right, *but his* Duty *to examine what they have concluded upon in order to his future Confirmation, or Reſciſſion*, &c. (2.) On which Scheme of Thoughts 'tis firſt eaſy to obſerve, that all theſe Articles of Right will belong to *Heathen*, as well as *Chriſtian* Princes; for over all Synods, which they may either in *Right* or *Fact* convene for *good Ends*, they have, no doubt, all the Arbitrary Rights that a *Chriſtian* Prince can have; and that I may not here expatiate in a needleſs Courſe of Proof, I deſire the *Doctor* to evince the contrary, by ſhewing the *Differencing Reaſons*, which yet I am ſuſpicious he cannot do; but if not, he muſt herein level the Authorities Eccleſiaſtical of *Heathen* and *Chriſtian* Princes. 2dly, We are to note, that if there may in *Right* be, or in *Fact* have been any Synods, that *are*, or *were* not the *Chriſtian* Princes within his Dominions, *i. e.* not called by his Authority, to ſerve him as his *Councils*, or as the *Inſtruments* of his Power; then theſe Articles of Right have no relation to *ſuch Synods*, ſince they are not HIS Synods, of which only the *Doctor* aſſerts theſe Articles; (3.) of which ſort I may well reckon all the *Ancient, Pure, Provincial*

(1.) Auth. Chr. Pr.

(2.) *Ib.* p. 75. &c.

(3.) *Ib.* p. 76, 77, &c.

Councils

Councils of *Bishops*, and those *lesser ones* of the *Clergy* under their *respective Bishops*, in which the *Christian Princes interposed* according to the *Doctor*'s own Confession. 3dly, In this Scheme the *Doctor* excludes not Synods from *Right* and *Liberty* of *deliberation* in any Ecclesiastical Matters whatsoever *without the Licence* of the *Christian* Prince; but only in *such Matters as do not belong to them*, which are only *Matters not Ecclesiastical*; except the *Doctor* will say, that *no Matters Ecclesiastical*, or but *some only*, belong to them, or that *no Matters* belong to them, but *such as he prescribes*, in which I am forced to complain of his Obscurity. 'Twill be very *harsh*, therefore as well as *unagreeable* to the *Sense*, *Laws*, *Canons*, and *Constitutions*, of all *Christian Ages*, *Churches*, and *States*, to say, that *no Matters Ecclesiastical simply, and as such, belong to them*; nay, 'tis to destroy the very Foundations and Reasons of Synods, and to condemn all the Synods before *Constantine*, and ever since that *deliberated on any thing Ecclesiastical* without *Royal Licence*. If we distinguish *Matters Ecclesiastical*, of which *some* shall belong to Synods, *others* not; a Reason of such distinction for such *Pertinency* and *Impertinency* must be alleged, and proved *Catholick*, and *Valid*, and *such as all the Councils of the Catholick Church ever acted upon, both before, and after the Christianity of the Empire*, which, I doubt, is a desperate Attempt. If, lastly, nothing under a *Christian* Prince belongs to Synods, but *what he prescribes*; methinks they should *well know*, and be *ready to observe* that *Principle*, and need not be so *watch'd* by the Prince, least they run into *Impertinencies* to no purpose, since all *such Excursions* in their own Nature would be *ipso facto*, null, invalid, unobliging, and reprobate with the whole Church. But farther, such a Notion will render even God's Word, Matters of Faith, Sacraments, Holy Orders, Exercise of the Keys, Prayers, &c. *Impertinent* to Synodical Cares, but only when *Licenced* by the *Christian* Prince; which will carry the Point beyond the very *Statute* of *Submission*, which, though it restrains the *Convocation* in such *deliberations* without his *Majesties most Royal Licence*, yet has not declared such Matters *Impertinent* to Synods *simply* and *in themselves*. So imperfect then is this Scheme of the *Doctor*'s. 'Tis true, indeed, what he after generally asserts in *Fact*, is more *Extensive*, and reaches to *all Synods* within the Dominions of a *Christian* Prince, and to *all Matters of Deliberation*, (4.) and probably gives us the *more genuine Intentions* of his Mind; but his

(4.) Auth. of Chr. Pr. *p.* 47. 48.

his *Articles* of *Right* concluded from those *Assertions* of *Fact* fall short of *These*, as *Those* are *worded* and *stated*; and lie so very open and loose, that they leave room for the Truth and Reception of all my Principles for the Churches Rights and Liberties of deliberation, in all matters Ecclesiastical, even *without the Consent*, and *against the Prohibition* of the *Christian* Prince, where a *Particular Contract* has not *positively* restrain'd Synods from their *Just* and *Primitive* Authorities, of *which Contracts* God *must*, and *will* hereafter Judge. So that were not the *Doctor* so uncertain, and various, and different with himself, upon the Scheme given us on *this Head*, our dispute hereon might fairly have an end, and be concluded on my side.

§. 2. But because I seek no Triumphs over his Person, Abilities, or Honour, much less by a Stratagem, or Surprize, but design a Service only to the Cause of such important Truth, and the Satisfaction of every capable and impartial Reader: I will descend to *particulars*, and examine *their Reasons*, and *their Consonancy* to the *Sense* of the *Catholick* Church in the *Imperial* and *Succeeding* Reigns, which the *Doctor* has travers'd, and whose *unanimous Suffrage* he pretends to. Now his *first Article* being in the first part *Assertory* of the *Christian* Prince's *Right*, and in the second *Negative* of the *Churches* in *Synodical deliberations*, we first begin with the former *Assertory Part*, viz. *That the* Christian Prince, *or* Magistrate *has a* Right *to* prescribe *unto* Synods *the* Matters *on which they are to debate, or the* Work *they are to go upon.* Now this he confirms by the following Reasons; *because it is one* great End, *which the* Christian Prince *proposes to himself in* calling *such* Assemblies, *to take their* Advice *in things pertaining to the* Church—*from whence it will follow, that* he *must have a* Right, *not only by* vertue *of his* Supreme Authority, *but from the very* Nature *of the* Thing it self, *to propose to* them *the* Subject *on which they are to debate*, &c. (5.) Now indeed this is very proper in those Synods which Princes (either *Christian*, or *Unchristian*) do *themselves* call; but how will it quadrate with others, which they actually call not, advise not with, and interpose not in, such only as meet *upon bare allowance* of the Prince, or *without* it; which the *Doctor* grants of very many, *except only* without allowance, *which he only grants under* Princes of another persuasion, *or* denying Synods *upon* cogent Necessities. For in *such* as the *Supreme Authority* is not *actually* concern'd, so neither does the

The Dr's first Article.

The Positive or Assertory Part thereof, and its Reasons examined.

(5.) *Ib.* p. 45.

Nature

Nature of the *Thing it self require*, no, nor *suppose* the Prince's *Proposals*; nay several of them exclude such supposition, namely, *such* as they *actually advise not with*, nor *interpose in*. 'Tis true, however, that Princes may advise with Synods, which they *call not*, but in *such* those *Reasons* take no place on *which* Princes call Synods, which the *Doctor* only here alleges; but the good Ends to be attained by their Advice, by whomsoever *actually called*. But the *Doctor* supposes all Synods must be called by the Princes who consult them, when he adds, *that 'tis absurd, that either a particular Person, or Body should be sent for to advise the Prince, and the Prince not left to propose his doubts to them*, (6.) which no Body can indeed deny; but it reaches not the Case of many Synods, of which Princes either *may*, or *may not* seek Advice; and such as are *not called by them*, to which however Princes may propose their Doubts, though *not for the Ends on which they were called*. So that here the *Doctor* is less liberal to Princes than my self; since I allow Princes this Right in *all* Synods, he *only in such* as Princes *themselves* do call. Secondly, the *Doctor* here says, *Advice* to the Prince is the GREAT and MAIN End of his *calling* Synods, but elsewhere with him 'tis the SOLE *formal Business* and *End* of all Synods under Christian Princes; (7.) which how he can reconcile with the Business of those Synods, which Princes *concern'd not themselves in*, (8.) I cannot yet apprehend. And thus have I ended with the *former Assertory* part of *this Article*, and the *Reasons* thereof. For the *latter* part, which *denies* the Churches *Rights of Deliberation*, he has assign'd *no Reasons*, *Senses*, or *Ecclesiastical Constitutions* of the *Ancients*; and therefore he is secure against any Discussion of such Arguments. And therefore I shall only desire him in his next *Apparatus* to inform the World, and me, whether the Synods, which *Christian Princes did not interpose in*, had any *Right* to propose *Ecclesiastical Matters to themselves, or no*? Since if they had not, to what End did they sit? If they had, I have my purpose; but then, I doubt, they were not [only] of *Counsel* to the Prince, nor was their *Advice* the GREAT, MAIN, or SOLE End of their convening.

(6.) *Ib.*

(7.) *Ib.* p. 84. 85.

(8.) *Ib.* p. 40.

In the mean time let us consider the Sence of the Ancient Ages hereupon. And first we will begin with *Maximus*, a Rebel and Tyrant indeed, but one who pretended much to revere the Catholick Church. He, having received a Letter from *Pope Siricius* against one *Agricius* in

The sense of the Ancients on the Negative part thereof.

France

France for uſurping Prieſts Orders, returns him this Anſwer; *what can I do more reverently toward our* Catholick Religion, *than that* Catholick Biſhops *ſhould judge of this Matter, a Synod of whom I will appoint within* France, *or the* five Provinces *in due Seaſon, in what City* they *ſhall chooſe, that* they *ſitting and taking Cognizance, Judgment may paſs according to* Cuſtom *and* Law. *For* they *by their* knowledge *can* better *determine Right out of Books, and the Religious Conſtitutions of our Anceſtors. And my mind is to preſerve the* Catholick Faith *inviolable, by the unanimity of the* Biſhops; (9.) which he profeſſes as matter of *due Piety*, not *Princely Favour*, not pretending to any *Imperial Right to reſtrain their deliberations to his own propoſals*, but acknowledging the buſineſs of *Agricius* to be of *Canonical Right, a concern Synodical.* In the Council of *Conſtantinople* under *Mena*, *An.* 536. *Marianus* (the Primate of all the Monaſteries of *Conſtantinople*) does in his own Name, and the Name of his Partners, profeſs *that the Vindication of the* Divine Canons *belongs to* Biſhops alone; (10.) and if ſo, then has no Man Right to obſtruct them, when Aſſembled, from proſecuting their Care. And hence it was that *Pappolus* Biſhop of *Chartres* aſſerted his Right of Complaint to the 4th Council of *Paris*, *An.* 573. againſt *Promotus*, a Preſbyter promoted by *Giles*, Biſhop of *Rhemes*, to a new Biſhoprick of the Caſtle of *Duno*, within the Dioceſs of *Chartres*, contrary to the Will of *Pappolus*, and the *Canons*; (11.) though it appears by the Epiſtle of this Synod to King *Sigebert*, that it was done by this King's *Conſent*, or *Contrivance*; (12.) from whence it appears, that neither *Pappolus*, nor the Synod, allow'd the King any *Right* of *Prohibition* againſt their *Deliberations* againſt his uncanonical Procedures. And it was a Petition of *Right*, which *Pope Agatho* made to the Emperour *Conſtantinus Poganatus*, together with *Heraclius* and *Tiberius* the *Auguſti*, that in the 6th. General Council, then to ſit at *Conſtantinople*, *An.* 680. *they would grant Impunity, Liberty*, and *Security of Speaking to every Man, that would, in accounting for his Faith, that it might be manifeſt to the World, that no Man was Prohibited, or Repulſed by any fear, any Power, or Threat, or other way of Averſion, from Speaking for the Catholick Truth, or Apoſtolick Faith.*

(9.) *Int. Ep.* Siric. Pap. *poſt. 4tam.*

§ (10.) ἀρχιε- ρᾶσι μόνον *Concil. Sub. Men.* Act 1.

(11.) Pappol. libell. in Synod. Pariſiens. 4æ. *Ita nos Canonica inſtitutio admonet, ut quotiens aliquæ exortæ fuerint in Eccleſia cauſæ, Synodali hoc conventu debeat publicari.*

(12.) Ep. Synod. 4æ. Pariſ. ad Sigebert Reg. —*Quam rem licet vix credere poſſumus cum conſenſu gloriæ veſtræ fieri potuiſſe.*

(13.) The

(13.) The Truth is, as a *Deliberative Power* and *Freedom* is *Essential* to the *Nature* of *all Councils*, so to *Christian Councils* to *deliberate* in *Matters Christian*. Which was so *supposed*, *presumed*, and *confessed* a *Principle* in all Antiquity, that it never met with any *Question* or *dogmatical Opposition*, against which therefore there could be no *occasion* for *Ecclesiastical Declarations*, or *Remonstrances*. It was sufficient, that whensoever this Right was under *danger*, or *violence*, the Church complain'd thereof, as shall appear by Particulars in due Place, which is enough to destroy all *Prescription of Right* from *such Instances*. Nay, in the Council of *Trent* the *Pope himself* at first durst not pretend to such a Power, to *limit the deliberations to his own Matters*, but only caused it to be offered *precariously*, whether they would confine themselves to the Matters which *his Legates* should propose, and so by great cunning *in Fact* only obtained *That Point*; (14.) whereas the Terrours of King *Henry* could extort much more from a Popish Convocation here, as being an *invincible Argument* to procure that to be made *Right* here, which never any Church or Synod in the World ever heard of before.

(13). Ap. Concil. 6.

(14.) *See* F. Paul's *Hist. of the Council of* Trent, l. 6, 7, &c. Proponentibus Legatis.

§. 3. Pass we hence then to the *second Article*, *that the* Christian Prince *may* determine *the* Order, Manner, *and* Method, *of their* Proceedings, *and* Debates. *And this*, says he, *as far as concerns the* Peace, *and* Order, *both of the* Members *of every such* Assembly, *and in* those, *who meet together on the* Occasion, *or* Account *of it*, *is not to be doubted*; *it being a* Part *of the* Prince's Right, *as he is a* Civil Governour, *to keep all his* Subjects, Clergy, *as well as* Laity, *under a* due Restraint, *and not permit any* Tumults, *or* Disorders *to be rais'd among them*. (15.) But now for my part I cannot be reconciled to this way of Reasoning: For first, this Argument will pass a *Necessity on all Countrys to be govern'd Monarchically*, because in a *Plurality* there wants a *Moderator to restrain Discords*, *and keep Peace and Order*. For if there be need of such *Moderation* under a *Monarch*, there will be need of it, where there is none, and that need will make *One Necessary*, and so oblige *all People* to admit *Monarchy*. But supposing this Power necessary only where there is a Prince, does it follow, that because he must *restrain Tumults* in *Assemblies*, therefore he must have a *Power to prescribe to them Particular Rules*, *and Methods of Proceeding in all Points*, *in order to keep Peace*? Try, good *Doctor*, how this Doctrine will take in the

His second Article.

(15.) Auth. of Chr. Pr. P. 56. 57.

Upper

Upper and *Lower Houſes* of *Parliament*, in the *Councils* of all the *Cities*, *Univerſities*, and *Corporations* in *England*; All which admit no ſuch *reſtraining Power* over them; and yet are well known to keep *Order* and *Peace* without it, and that contentedly by the *Plurality of Votes*, and not by *Force of Arms*. And if at any time there ſhould happen any dangerous, or turbulent Faction, the *Power* of *Diſſolution* is not only *ſufficient*, but *moſt proper* for the Preſervation of the *Peace*, which is provided for in all *Corporate Aſſemblies* to that very purpoſe. Their *Conſtitution* ſuppoſes the Corporation *Wiſe*, and the Councils of *Judgment Mature*, of *common Intereſt* and *Integrity* inclining them to *Peace* and *Order*; againſt which, if any *Preternatural Rupture* rarely happen, the Preſident, having a Power to *Adjourn*, *Prorogue*, or *Diſſolve*, can ſecure it thereby; whereas a *Royal Preſident*, or *Guard to preſcribe them all their Methods, leaſt they ſhould ſquabble always about every of them*, is to ſuppoſe them either *Babies*, *Madmen*, or *Ruffians*, and ſo fit to be *wholly diſcorporated*, and *diſſolv'd*, rather than *managed*. But ſecondly, the *Doctor*, aſſigning this Power to *every Prince* as a *Civil Magiſtrate* or *Governour*, muſt for *that Reaſon* grant it to even *Heathen Princes* over *Eccleſiaſtical Synods*; which being put in *Practice* would be very *taking*, no doubt, and *edifying*. For would it not be very harmonious for an *Heathen* Prince to provide methods for *Chriſtian* Synods, for fear the poor *diſtracted Biſhops* and *Prieſt* ſhould, for want of ſuch *Regal Inſpection*, mutiny, and pull Caps about *Methods* among themſelves, or rebel againſt the *Civil State?* Lord! What did the unhappy *Primitive Synods* for want of *ſuch Moderations*? Or how came the *Heathen* Princes to be *leſs cautelous* and *ſuſpicious* of thoſe *Chriſtian Synods*, than *Chriſtian Princes* and their *Chaplains in Ordinary*? But he that conſiders with what *Exactneſs* and *Care* all the Approved Synods (not corrupted by *Imperial*, or *Papal Supremacies*) took in clearing themſelves from all Scandals, with what gravity they corrected all diſorderly Members, and with what awe they were thereupon revered by all Men, cannot think Eccleſiaſticks, in a State of *Canonical Freedom*, *Piety*, and *Learning*, to be ſuch a knot of *untoward Monſters* and *Salvages*, as they are now *very Pioufly* repreſented. The Church of *Spain*, on the ſeveral long Diſorders in the Reigns before King *Wamba*, did in the 11th. Council of *Toledo*, take Care againſt this Confuſion, upon the *preſumed ſufficiency of her own Wiſdom* and *Authority* without

without recourse even to *that good King* for a Remedy. For that Council ordains, *that the Priests*, (i. e. Bishops) *that sit together in the Place of* Benediction, *ought not to make a rattle with indiscreet Words, or to be troubled with any Tumults, nor tattle idle Stories, nor keep a Laughing, nor (what is worse) offer tumultuous Language in obstinate Quarrels: For if any Man, as the Apostle says, thinks himself Religious, and bridles not his Tongue, but seduces his own Heart, this Man's Religion is vain: ¶ For Justice loses its reverence, when a multitude of Bawlers confound the silence of the Judgment, and the Prophet * saying, Silence shall be the Reverence of Justice. Whatsoever therefore is acted in the Conferences of those that sit together, † or is proposed on the Part of the Accusers, ought to be uttered with such a mildness of Language, that they may neither disturb the Audience by contentious Words, nor by Tumult weaken the vigour of the Judges. Whosoever therefore in Council shall presume to violate the Premises, and shall, contrary to this Interdict, trouble the Council with Tumult, Contumelies, or Laughings, let him according to the Edict of the Divine Law, † (which commands to cast out the Scorner, and Contention will go out with him) be cast out, and depart the common Assembly with all shame, and confusion, and bear the Sentence of three days Excommunication,* (16.) which to all Persons, especially in *Holy Orders*, was a Censure far more humbling and dreadful in those Days, than any *Civil Punishments*, not extending to Life or Limb; and such as *These*, I hope, the *Doctor* does not think fit to be practised on the Members of Synods, for such *Irregularities* of Manners, which he supposes them prone to. We find among our selves in *Civil Assemblies* and *Corporations*, that 'tis an horrid and sufficient disgrace to be kick'd out of them for ill Behaviour, which may well be done without troubling Kings about it, by Vertue of such their own domestick *Cautions*, *Provisions*, and *Conduct*. So then there is no need of such *Royal Caution* against *Particular Members*. But if the *Doctor* doubts danger from the *whole Body*, or *Majority*, the way is not to *direct the Methods* of the *Session*, but to *break it* off; though such *suspicions*, or *Pretences* against *publick Bodies* is in Princes *Tyrannical*, in the Subjects of such Bodies *intolerably sawcy* and *seditious*.

¶ *James* 1. 26.
* *Esa.* 32.
† Margin. *Considentium.*
† *Prov.* 22. 10.
(16.) Concil. Tolet. 12. *Can.* 1.

From *Moral Methods* proceed we to the *Artificial Forms of Proceeding*, for it seems the Prince has Authority to prescribe *These* also (17.) to their Synods Ecclesiastical. But for this he can spare us *no Reasons*: For this is, indeed,

(17.) Auth. of Chr. Pr.

to *p.* 27.

to make them very *Babies* and *Ignorants* in thoſe very Matters, in which their Wiſdom is to *be conſulted*, and *determine*. Let the *Black Rod* be ſent to *both Houſes of Parliament* with *ſuch Orders* for their *poſitive Forms*, and *Methods*, or *but* to the *Court of Aldermen in the City of London*, and ſee if they will endure the *Reproach* of that *Direction*, which one would think ſhould be no more *proper* or *acceptable* to a *Convocation*. But if there be a danger of *Ignorance* in their *own Methods*, it muſt proceed from the *long deſuetude* of *their Seſſions*; and then this is a juſt Reaſon for the Reſtitution of their *frequency* both in *Right* and *Fact*, that they may not forget how to ſerve God, and govern *themſelves* and *the Church* in that Synodical Capacity. But all this guiſe of Feathers ill agrees together, when compared and conſidered *in undique collatis Membris*, and particularly the *Doctor*'s Notion, that Synods are but Councils of the *Prince*'s *Choice* meerly to *Adviſe* him: For it argues *little Proſpect* in a King to *chooſe* a Council of *dangerous Incendiaries* in reſpect of their *Morals*, and *ignorant Dolts* in reſpect of *Skill*, in *humour* prone to abuſe, and in *judgment* incapable of directing *themſelves*, or *him*; inſomuch, that on the contrary *he* is to *guide* and *inſtruct* them both in *morals* and *rituals*. Or elſe it argues a great *infelicity* in the *Church* above *all other Orders* or *Societies* of Men, out of whom Men *Peaceable* and *Wiſe* are eaſy and in good Plenty to be choſen for *Civil* Government, while the *Church* has *few*, or *none ſuch* to be found for the Conduct of *Affairs Eccleſiaſtical*.

His 3d. Article.

§. 4. His 3d. Article hereupon is, *that for the* better Exerciſe *of this* Authority *the* Chriſtian Prince *has a* Right *to* ſit *with them*, *or* preſide *over them*, *either in* Perſon *or by a* Commiſſioner, *as he pleaſes*. (18.) What *Right* of *Seſſion* or *Preſidence* agrees to Princes, ſhall anon be conſidered; but if it be only for the BETTER EXERCISE of this AUTHORITY, which has been already examined, I doubt it will hardly hold out, That a Prince *ſit* with them, or *preſide* LOCALLY over them, to hear the Diſcuſſion of his own Doubts, or Propoſals, in order to his own Inſtruction, is what may well be born with; but to *ſit*, and *preſide* to *obſtruct their Deliberations on any matters, but what he pleaſes, and to confine them to his preciſe Rules and Methods alone, allowing them none of their own*, is what would never down with the *Church Catholick*, though it

(18.) *Ib.* p. 64. 70. 71.

go

go down as glib as Flommery here. For all *such Presence, designed to restrain*, carries in it *Terror*, and Terror *Force*, and *Bondage*, which in no wise agrees to the *Use*, *Benefit*, and *Integrity* of *Deliberations*, which are thereby to be enslaved to the Service of *Humour*, or *Prejudice*. And yet it is to be observed, that by the same Rule and Reason, an *Heathen* Prince, *as a Civil Governour*, is to have the *same Rights* and *Advantages* of *restraining their Morals* with the *Christian* Prince, and therefore to *sit with, and Preside over them for such End*. As they doubt upon their Proposals, Princes *Heathen* have the *same Reasons of Presence and Presidence* as the *Christian*; and if any such *Heathen* Prince has a fancy for an *Artificial* Method, more like to satisfy him than the *Canonical Methods* of the Synod, I know not why he may not as well prescribe this as any *Christian* Prince, and *Sit*, and *Preside* in them to *that purpose*, and with the *same restrictive Powers* and *Terrors*; and thus we shall make a pretty thing of it. 'Tis true, the *Doctor* gives no Reason for this 3d. *Article*, but only builds it on the two former, and therefore wherein *Those* fail, *This* must be deficient, for when the foundation is sunk, the superstructure of Course must immediately totter.

The Sense of the Ancients of Regal Right to local Session and Presidence.

But perhaps it may not be unacceptable to examine hereupon the sense of the Ancient Ages, both as to the *Right* of *Session* and *Presidence*, which are to be taken either *locally*, in respect of *Place*, or *Practically* in reference to the *Procedures*. And first of all a meer *Local Presence*, or *Presidence* of a *Christian Prince*, while professedly clear'd from all suspicion of *Terrour*, *Prejudice*, or *Partiality*, by entire Encouragement of Synodical Liberty, is what the *Catholick Church* has never blamed, or refused in *unconsecrated Places*. Nay, when his *satisfaction* has been judged necessary, his *Presence* has been as much desired by a Synod as by *himself*. But while a Prince's Presence looks *cloudy*, *suspicious*, and *terrifying*, there the *Sense* of the *Ancients* uniformly lies against it. Thus *Liberius* proposes to *Constantius* his Eunuch, *that there might be an* Ecclesiastical Synod *far from the* Palace, *in which the* Emperour *is not present, nor* Count, *nor any* Judge *threatens*; *but the fear of* God *alone sufficeth*, and the Ordinance of the Apostles.

(19.) The Emperour *Constans* is also praised by *Hosius* for not super-inducing his *imperial Presence*, at *any* Ecclesiastical Judgment. (19.) Upon which Principle, *Marcian*, at the desire

(19). *Vide* Græca apud. *Municip. Eccles. ast.* p. 161.

(29.) *Ib.* of *Vide.*

(20.) *Liberat. Breviar.* c. 13. *Con. Chal.* Par. 2. Act 6. *Oratio. Marc. Imp.*

of the *Pope's Legates*, and the *Council of Chalcedon*, appears, declaring, that he did ſo, *to add firmneſs to their* Acts, *and not for Oſtentation of* Power, *imitating herein the Piety of* Conſtantine. (20.) And the Emperour *Baſilius* in the 8th. Council, reſolving not to violate the Liberties of *that*, or *any other* Synod, *appeared in That only in Favour, and never in any other*; *that no Man might ſay, that he had corrupted the Synodical Judgment by his Imperial Power.* (21.) The Bloody Heretick *Dioſcorus*, indeed, pretended to a *Right* of *non-appearance* before the Council of *Chalcedon*, when the *Imperial Commiſſioners* were not preſent, but was told by *Cecropius* the *Conciliar Legate*, that at *Canonical Trials* it was not fit [or neceſſary] * that the *Commiſſioners*, or any other *Laicks* ſhould be preſent; (22.) which, if it be interpreted by the 8th. General Council, will exclude the preſence of *Laicks* at *Eccleſiaſtical Cenſures, and Concerns of Biſhops*; for ſo it reſolves againſt ſuch, as believed no Synod valid, but by *Imperial Preſence*. (23.) So that we ſee it the Judgment of the Church in thoſe Ages and Councils to exclude *Lay-Magiſtrates* from *Councils* at the *Myſtical Acts* of the *Hierarchical Powers*, and the *Exerciſe* of the *Keys* upon *Perſons* in *Holy Orders*, which belongs not to *Worldly Magiſtrates, but to Biſhops only*. But if the ſuſpicion of Terror in Princes in all Caſes, and their *Laiciſm* in ſome *Myſtical Tranſactions*, does unqualify them for ſuch a *Preſence*, or *Preſidence*, what ſhall we think of *open* and *profeſſed Terrors*? The Synod of *Alexandria* on the behalf of *Athanaſius*, declares that That cannot be called a *Synod* in which a *Count Preſides*, and an Executioner *appears*, and *Gaolers* and *Soldiers* bring in Biſhops; (24.) of which more will be ſpoken in due place, in our account of the Synod of *Tyre* againſt S. *Athanaſius*. The *Oriental* Biſhops who had been terrifyed by the appearance of Arms and Cudgels at the

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* ὅτε παρεῖναι χρὴ.

(22.) Act 3.

(23.) *Can* 12. Ἦλθεν εἰς τὰς ἡμᾶς ἀκοὰς, τὸ μὴ δεῖν ἐν ἐπισκοπικῇ παρουσίᾳ συνόδον γίνεσθαι. Οὐδαμῶς γὰρ οἱ θεῖοι κανόνες συνέχεσθαι κοσμικὰς ἀρχοντας ἐν ταῖς συνόδοις νομοθετοῦσιν, ἀλλὰ μόνους τοὺς ἐπισκόπους. ὅθεν ἐδὲ πάλιν τὴν εἰκυμονικὴν σύνοδον τὴν παρουσίαν αὐτῆς μεμηνυκέναι δεήσομαι. ἐδὲ γὰρ δεκτὸν ἔσται τοῖς ἐκείνης διατάξεσι τοὺς κοσμικὰς ἀρχοντας τῆς τῶν ἱερέων τῆς θεῆς συμβαινόντων πραγμάτων. (24.) *Vid. Græc. M. E.* p. 160.

2d. Council

2d. Council of *Ephesus*, pleaded *that Terror* in excuse for *their Compliance* with the *Eutychians* against *Flavian*, &c. crying out as a self-evident Principle, ὅπου ξίφη, καὶ βάκλα, ποία Σύνοδος; (25.) *where* Swords *and* Slaves *are*, *what* Synod *is* That which yet our *Doctor* seems to favour as *lawful*, and *convenient for keeping of the Peace*. Though this second Council of *Ephesus*, not only for its *Eutychianism*, but *these very forms of Violence*, was damned, both for *wicked* and *null*, at *Chalcedon*, and in all after Ages. (25.) *Ap. Concil. Chalced.* Par. 2. Act. 1.

§. 5. In the next place then let us examine the Judgment of the *Doctor*, and Antiquity, upon the *Regal Rights* of SESSION and PRESIDENCE, in the PRACTICAL Sense of *these Terms*. Now the *Doctor* herein ascribes three or four Points of Power to the *Christian* Prince; one, to keep Peace and Order, by *Praises*, *Reproofs*, *Destrictions*, *Punishments*, and *Annihilations of their tumultuous or disorderly Acts*; (26.) a second, to *joyn in debates with the Synods in order to his own Satisfaction*; (27.) a third, *to Vote with them in Matters of Discipline*; (28.) and (if you please) a fourth, *to judge*, *if not with them*, *yet at least after them*, *in Matters of Faith*. (29.) Now the *first Point* has been already considered in *all its Particulars*, except That of *Annihilation*, which must be hereafter discussed in its proper Place. And therefore we shall at present go on to the *second Point* of *Regal Power*. And this I am very easy to give to *Christian*, but require him to do the same to *Unchristian* Princes. In the 3d. Council, *Constantinus Pogonatus*, a *Catholick* and *Fair* Emperour, undertook for his own Satisfaction to discuss *Matter of Faith*. (30.) The Jewish *Doctors*, who knew not who *Jesus* was, admitted him at twelve Years Old to dispute with them in the Temple (31.) on Questions of Religion. And St. *Peter* commands all Christians, *to be ready to give an Account to every Man*, *that shall ask us a Reason of our Faith*, *and Hope*; (32.) and therefore much more are Synods bound so to do at the Friendly Request of all Princes, and so Synods have ever thought, and profest themselves bound so to do by this Precept of St. *Peter*. In this therefore, if the *Doctor* has no Controversy with me against *Unchristian* Princes, I have none with him against the *Christian* in *this Point*. Neither indeed is this our Question; but *whether no Synods may debate in the Presence of the Prince*, *without his Licence given and continued*, *on such things as the State of the Church is concern'd in*, *and in their own Canonical Methods*, *in order to* *The Sense of the Dr. and Antiquity on the Right of* Practical Session *and* Presidence (26.) Auth. of Chr. Pr: *p.* 70. 71. (27.) *Ib. p.* 71. (28.) *Ib. p.* 73. (29.) *Ib. p.* 74. (30.) *Socr. Imp. ad Leon.* 2. *Pap. post. Concil.* 6. (31.) Luc. 2. (32.) 1 Pet. 3. 16.

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the Satisfaction and Conduct of the Church. In which I require the *Doctor* to prove the *Negative* universally. So likewise for the 3d. *Point of Voting*; if the *Doctor* thereby means no more than *declaring ones Opinion*, or *personal Approbation*; this may be allowed to any *Prince*, or *Lay-Man present treating with the Synod*, but this is not again our Question, but *whether every Christian Prince may, as a Canonical Member of the Synod Vote Canonically to an effect and obligation Ecclesiastical and Spiritual, the Vote going in with that of the Ecclesiasticks into the same Balance to make Canons of Ecclesiastical Discipline, by an Ecclesiastical, or Spiritual Authority?* I should fancy that *my Master* of SOME THOUGHTS, will affirm this to *Christian* Princes upon a Maxim of *his*; which I understand not, I confess, that *the* Power *and* Authority *of the* King *is* Spiritual, *though he*
(33.) p. 32. *is not invested with a* Spiritual Office. (33.) But is it his *Office* sometimes to exert his *Spiritual* Power and *Authority*, or no? If not 'twas given in vain? But if so; then the *Office of exerting Spiritual Power* is, I should think, Spiritual. And let *my Master* try his Skill upon his Paradox. However, I shall gain by it; for if the Prince has a *Spiritual* Power and Authority to *Vote Canonically* with the Synod, yet he has no *Spiritual Office* to do so, and if he then does so, he by a *Spiritual Power* and *Authority* usurps a *Spiritual Office*, and becomes *Sacrilegious.* But he thought not that a *Spiritual Authority* imports the *Keys*, which no *Catholicks* can assign to *Princes*, who cannot *open* or *shut* the *Doors* of Christ's Church by their Kingly Power, which belongs *only to Priests*, and by Vertue of which they govern the Church of God, in all their Constitutions. But this *Regal Power* in matter of *Discipline*, I believe, does not seem *Spiritual* to the *Doctor*: Why so? *because the Rights of the People, and the Power of the Prince* (which the *Doctor* no where makes *Spiritual*) are, for the most part, very near-
(34.) Auth. of Chr. Pr. p. 73. ly concern'd in it. (34.) Now had this *Power* of the Prince, and *Rights* of the People been in the *Doctor*'s intention *Spiritual*; then had they been, not *nearly*, but most *intrinsically*, and *intimately* concern'd in the *Discipline.* But the *Doctor* is elsewhere clear, when he says, that *in matters*
(35.) *Ib.* p. 80. *of Discipline, the Interest of the State is concern'd*, and the Churches *independency* in determining *this*, is an *Usurpation*, and *Affectation of Mens civil Interests.* (35.) So then this *Regal Power* and *Authority*, is, with the *Doctor*, *Civil*, but with *my Young Master*, *Spiritual.* But my main Business being

being with the *Doctor*, I must correct his Crudities herein, if this be to be done. For First, what have the *Keys* to do with *Civil Powers*, or *Rights*? What are the *Sign of the Cross*, *bowing at the Name of* Jesus, *Adoration toward the* East, *true immersion*, *kneeling at the Sacrament*, and many other such *Primitive* and *Venerable Rights*, concern'd in *Civils*? Had they been so, how could the *Primitive Christians* use them of old in Opposition to the *Civil Rights* and *Powers*, which they neither *usurp'd* nor *affected*? Had they had *any thing Civil* in them, the *Christian* Synods could not have instituted them without *Authority* from *Heathen* Powers, who, upon these Notions of the *Doctor*, had as *good Right* to *Sit*, *Preside*, and *Vote* with *those Synods* as the *most Christian* Princes, The *Spiritual Rights* therefore of the Church are only concern'd in *pure Synodical* Rules of *Discipline*, and the *Canonical Authority* to enforce them, is purely *Spiritual*, in which Kings have no share, or if they have, it *is*, and *must be* as full in Matters of *Faith*, as of *Discipline*.

§. 6. And this brings one to the Examination of the 4th. Point of Regal Power *in judging*, *if not with*, *yet after the Synods*, *in Matters of Faith*. In which, I confess, I am not satisfied: For they may *debate* of these matters with the Synod; and why does he scruple the Princes *Judgment* with them too? Why *rather*, or *at least*, *after* them? What Mistery is there that can suspend the Supremacy in such a *Punctillo*, which over-rules all the *grand Points* and *Powers* of *Christianity*? For my Part, allowing such a Power of Judgment in the *Christian* Prince, I should think it ought to take place most properly *in* the Synods, not *after*, but *before* their Decisions, which are either *no Decisions*, or *ineffectual* without the *Christian* Princes *ratification*, and *ridiculous*, if denied it. So that to reserve this *Judical* Authority of Kings, in matters of *Faith*, till *after* the Synodical Definitions, exposes the Synods to a greater Danger of Reproach, than to exercise it *in* Synods *before* such their Difinitions. Besides every *Spiritual* Member of the Synod judges by his *Vote* in Matters of *Discipline*, and *Doctrine*, and the Prince may do so, says the *Doctor*, in Matters of *Discipline*, Why? What Law of *God*, or *Nature*, (for none else can do it) *obstructs* the same Power in Matters of *Faith*, during the *time* of *Voting*, and *concedes* it *afterward*? Therefore the *Doctor*, having gone so far, and that so roundly, needed not have boggled at this stumbling

The Dr's. *fourth Article.*

Stone, which elsewhere he can easily leap over: For if it be the *Prince's Office to oblige all his Subjects to believe as he believes himself*, according to the *Doctor*'s Rule; (36.) then so he ought to oblige *his Synods*, and the most proper Time is *before* their Definitions are past; for *afterward* it will be more difficult and opprobrious to retract their own past Judgment, in exchange for that of Kings, who are many times very incompetent Arbiters in such Matters. And this I think is all that is pertinent in the *Doctor*, to the Question of *Regal Rights* and *Authorities* in the *Acts* and *Offices* of Synodical SESSION, and PRESIDENCE.

(36.) *Ib.* p. 75.

§. 7. But since *Deliberations* are entred into, in order to *final Determinations*, let us consider the Sense of Antiquity, concerning the *Regal Capacities* and *Authorities* of passing *such Determinations*. First, then in Matter of *Discipline*, *Constantine* the Great, did not think himself so proper a Judge in the Causes of Bishops as a Synod: (37) *Marcellinus*, chosen *Arbiter* of the Conference between the *Catholicks* and *Donatists* at *Carthage*, by the Emperour *Honorius*, at the request and consent of both Parties, *An.* 411. on Matters of a *mixt* nature, and almost all meer Matters of *Fact* and *Order*, look'd upon himself *inferior to that Judgment between* Bishops, *by whom it was more fit he himself should be Judged*. In the debate of the Council of *Chalcedon*, between *Photius* Metropolitan of *Tyre*, and *Eustathius* pretended Metropolitan of *Berytus*, about the Cities of their Jurisdiction; both *Photius* and *Eustathius* prefer the *Canons* as more *valid* and *decisive* of *Right*, than *Imperial Letters*, or *Pragmatick Sanctions*; and on the Address of *Cecropius* Bishop of *Sebastopolis* seconded by the Council, the *Imperial Commissioners*, with Consent of the *Emperour*, vacated the *Pragmatics*, and allowed the *Canons only* (39.) *in the determination of all Ecclesiastical Matters*. In matters of *Faith*, *Judgment*, and *Definition*, belong *only* to the *Hierarchy*. In the Cause of *Heresy*, *Cyril* of *Alexandria* thought it *invidious* to accuse *Nestorius* to the Emperour.

(37.) *Vid. in Concil. Antat. N.* 11.

(38.) Gest. 1mæ. Cognit. c. 3. *Licet supra meritum meum hoc cognoscam esse judicium, ut inter eos videar jndicare, a quibus potius decuerat judicari.*

(39.) *Act de* Phot. & Eustath. ἡ ἀγία σύνοδος εἶπε, κἂν ἡμῖν κανόνων πραγματικὸν μηδὲν ἰσχύσῃ, εἰ κανόνες ἡμῖν πατέρων κεκρατήκασιν.· ὅλα τὰ πραγματικὰ ἀρχήτω, οἱ κανόνες κεκρατήκασιν.

(40.) And

(40.) And therefore the same *Cyril* writes to *John*, Patriarch of *Antioch*, after their Reconciliation, that *if any Clergy-Men, or Monks within the Church were accused of Nestorianism, Audience should be had in the Churches, and that by their Bishops, least they, that would accuse them, being refused Audience, should sollicit exterior Judicatories, which are not proper for such Matters.* And *Basilius* Bishop of *Seleucia* in *Isauria*, in his reply upon *Dioscorus* on his own behalf in the Council of *Chalcedon*, declared, that *had the* Magistrate *required his Subscription for* Eutyches, *and against* Flavian, *he would have suffered* Martyrdom *sooner than have yielded; but he could not refuse Obedience to the* Judgment *of* 120. Bishops, *or* Fathers *in the* 2d. *Ephesine Council*, (42) as being far more *Authoritative* than that of *Princes.* In *Difinitions* of *Faith*, the *Fathers* would never concede unto *Imperial Judgments.* And so St. *Maximus* tells the Princes, of the *Monothelite* Emperour *Constans*, *that none of the Catholick Fathers could be prevailed upon by any Emperours to trim the Business with the Arians, in Omission of the Term* ὁμοούσιον, *devised and established in the Nicene Council, the Fathers remonstrating plainly, that it belonged to Priests or Bishops, to discuss and define the Doctrines of the Catholick Church.* (43.) And therefore when in the Relection of the Acts at *Constantinople*, under *Flavian* against *Eutyches*, *a dogmatical interlocution* in a point of Faith of *Florentius* the Emperour's *Commissioner*, was read, † he denied *That* to be *his Interlocution*, because he was not *capable*, or *qualified* to *dogmatize.* *(44) And that because of his *Laicism*; since his Lord *Theodosius* at the *first Ephesine* Council, though an *ill-natur'd* and (even then) a *prejudiced*

† ὁ μὴ λέγων ἐκ δύο φύσεων, καὶ δύο φύσεις ὐ παδίει ὀρθῶς.

* ὅτε γὰρ ἐγὼ οἷός τε ἤμην δογματίζειν. (44.) *Tom. VIII. Concil.* p. 286.

(40.) *Concil. Ephes.* Part. 1. c. 12.

(41.) *Concil. Eph.* Par. 2. Cap. 44. ἂν τοίνυν πνὲς ἢ κληρικῶν, ἢ μοναζῶν ἐγκαλῶνται ὑπό τινων, ὡς κοινωνήσαντες μὴ τῇ ἐκκλησίᾳ, φεύγοντες δὲ καὶ εἰς δεῦρο τὰ τῆς δυσεβοῦς Νεσορίου, ὀφειλέτω τούτοις ἀκρόασις ἐν τῇ ἐκκλησίαις μᾶλλον, καὶ παρ' ὑμῖν τοῖς ἰθυνόυσιν αὐτὰς καὶ ζήτησις ἀκριβὴς ὑφ' ἑαυτῶν γινομένων. Εἰκὸς γὰρ τοὺς ἐγκαλεῖν ἐθέλοντας, ὡς ἀδένὸς ἀνεχομένου τοὺς παρ' αὐτῷ φεύγειν λόγους, τοῖς ἔξω δικαστηρίοις παρενοχλεῖν. πολλῷ δὲ ἄμεινον καὶ δικαιότερον τὰς ἐκκλησιαστικὰς ζητήσεις ἐν τῇ Ἐκκλησίαις κινεῖσθαι καὶ τυπῶσθαι, καὶ μὴ ὑπό ἑτέρας τινὰς, οἷς ἂν εἴη καὶ ἀνάρμοστος παντελῶς ἡ ὁδὸς τούτοις διαιτᾶν.

(42.) *Concil. Coll. Reg.* Tom. VIII. p. 148. ὑπὸ πατρὸς δὲ ὁ κεινόμενος δικαίοις ὐ κέχρηται.

(43.) *Coll. S. Max. cum Principio*, &c. *Tom. X. Concil. Reg.* p. 360.

Emperour, durſt not Commiſſionate (45.) *Count* Candidian *to deliberate with the Synod in dogmatical Queſtions, becauſe he knew it unlawful for any Man, not being a Biſhop, to intermix in ſuch ſpeculations in Eccleſiaſtical Synods of Biſhops.* And laſtly, St. *Ambroſe* aſſigns *all Judgments* and *Judicial Deliberations*, in Matters of *Faith*, and the *Cauſes* of *Eccleſiaſtical Orders*, to *Biſhops only* excluſively of *Emperours*, and this in a Letter to his own Emperour, *Valentinian Junior. Your Father*, ſays he, *of Auguſt Memory, did not only orally declare, but ordain'd it by his Laws, that in a Cauſe of Faith, or any Eccleſiaſtical Order, he ought to Judge, who is not in Office unequal, nor in Right, or Authority † unlike. That is, he mean'd that Biſhops ſhould Judge of Biſhops. Nay, though a Biſhop ſhould be impleaded in a Cauſe of* Manners, *even he would that this ſhould belong to* Epiſcopal Judgment.——— *When did you ever hear, Moſt Gracious Emperour, that* Lay-Men *did Judge of a* Biſhop *in a Cauſe of* Faith? *Sly. We then bow'd down by a kind of Flattery, ſo as to forget, our* Prieſtly Authority, *that what* God *hath given to* me, *that* I *ſhould think fit to be committed to* others? *If a* Biſhop *is to be taught by a* Lay-Man, *what will follow? Let the* Lay-Man *then diſpute, and the* Biſhop *become his* Auditor. *But if we look'd into the Tenour of the* Holy Scriptures *or* Ancient Times, *who is there that denies, that in a Cauſe of* Faith, *I ſay, in a Cauſe of* Faith, *that* Biſhops *are wont to judge of* Chriſtian Emperours, *not* Emperours *of* Biſhops? *By* God's *Bleſſing you will hereafter be of maturer Age, and then you will be able to Judge, what ſort of a* Biſhop *he is, who Proſtitutes his* Prieſtly Authority *under* Lay-Men. (46.) Than all which Teſtimonies united together, I cannot ſee how it is poſſible for the Art of Man to ſpeak more fully againſt the *Doctor's* 3d. and 4th. *Articles* of the *Regal Right* of Synodical SESSION and PRESIDENCE. And therefore upon theſe Teſtimonies of the Fathers produced by me; Biſhop *Bilſon*, who approves them, denies that we of the Church of *England do hold the* Prince's Right *to Judge in Matters of Faith, or give them* Power *to pronounce what*

(45.) *Sacr. Imp. ad Symph.* Par. 1. Cap. 2. Ἐντέταλται τίνων ἐκκλησιῶν —— ἔχει ὑπὲρ διαβεβαιῶσαι σωφρόνως καὶ μετὰ τοῦ φόβου δογμάτων ζητήσεως κοινωνῆσαι ἐπισκόπου ἢ μὴ τὸν καταλόγον τῶν ἀμωμοτάτων ὄντως τυγχάνοντα τῆς ἐκκλησιαστικῆς σκέμματων ἐπιμίγνυσθαι. *Vid. Collat. S. Maxim. cum Princip. in Secret. dicentes liquido, quoniam* Sacerdotum *eſt quærere ac diſſinire de ſalutaribus Eccleſiæ dogmatibus.*

† *Fuit diſſimilis.*

Theſe Ancients never thought ignorant by-ſtanders and learners, proper Judges to determine on the learned Diſputes of Councils Canonically, or Authoritatively, as not having read Dr. *Wake's* 71, 72, 73, *Pages.*

(46.) *Ame. Ep.* l. 15. *Ep.* 32. *ap.* M. E. *p.* 163. *Vid.* Facund. Hermianens. *l.* 12

is Truth, and proves it by our Sufferings in the Days of Queen *Mary*. (47.) Nay, more generally, that *we do not make Princes* chief Judges *and* Arbiters *in* Ecclesiastical Matters; (48.) and finally *that we give no Princes* Power—— *to* decide, *or* debate *doubts of* Faith, *or to* disturb, *or* infringe *the* Canons *of the Church*, i. e. *the Godly Ancient* Canons *receiv'd generally by all* good Christians, *any more than the* Laws *of their* Progenitors. (49). So that those Passages collected by the *Doctor* for these two last Articles out of Arch-Bishop *Whitgift*, (50.) and Arch-Bishop *Bancroft*, (51.) Bishop *Jewel*, (52.) and others, either are to be understood of an *Exterior* and *Civil* Judgment, in order only to *Civil* Effects and Obligations, (and so contradict not me, who own such Power) or a *private Judgment of Opinion only*, which I have allow'd them in Synods; or else they contradict, not only me, but Bishop *Bilson*, and *all the Ancients*, which one cannot easily believe of such *great*, *good*, and *able* Men. Sure I am, Dr. *Wake* does not very fairly use Bishop *Bilson* in his alleging him for a Witness, that *Princes are Judges of Synodical Proceedings, even in Matters of Doctrine*; p. 261. *and that by the Canon Rule of all Christians the Word of God.* p. 264, 266, &c. (53.) For one would take this to be an *Authoritative* sort of Judgment, as the *Doctor* proposes it, even in contradiction to what I have above produced from this Bishop; whereas in Truth, it is meant only of a *private Judgment*, and *Discernment* for the *Prince's own Conscience*, like that of every *Private Christian* in *trying* and *discerning* Doctrines, p. 261. which he proves from *Matt.* 16. 12. *Joh.* 4 *try the Spirits*; 1 *Thess.* 5. *try all things* &c. *Eph.* 5. *be not unwise*, &c. *Rom.* 12. *be renewed in your Mind*, &c. *Philip.* 1. *This I pray that you Love*, &c. 1 *Cor.* 2. *He that is Spiritual, discerneth*, &c. Vid. Cæt. So then Bishop *Bilson* denies them all *Canonical* and *Authoritative* Judgment in *Doctrines*, and he that does not, runs Counter to the Sense of all Catholick Antiquity.

(47.) *True Differ. betw. Christ. Sub. and Unchr. Rebel.* p. 174. 176.

So King *James*, l. App. p. 54.

(48.) *Ib.* p. 179.

(49.) *Ib.* p. 240. 242.

(50.) App. p. 35. 36.

(51.) *Ib.* p. 37, 38, 39.

(52.) p. 41.

(53.) App. p. 40. 41.

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AND here, had the *Doctor* led the way on *this Head*, by *four General Assertions* in *Fact*, that the *Actual*, and *Customary Practices* of Princes had constantly *proceeded upon*, and so *justified* these four Articles of *Right* in *Sessions Synodical*, the *Discussion* of such general Assertions must, according to our Method, have made a Particular Chapter; but the *Doctor* being very Defective in these, and in his *ancient Instances* and *Remarks on them* very few, this my Labour is superseded. And it shall suffice to Advertise the Reader, that all his *Particular Instances* are only of Synods *General*, *Mixt*, or *Reprobate*, none of Councils *purely Provincial*, or *less*. Nor in any of *these* has he produced any *Prohibitions* Royal, against *Synodical Deliberations* on matters *unlicensed*, but only *Positive Precepts* to treat *first* on the Prince's Proposals, and sometimes according to *prescribed Order*. And whatsoever other little Passages he notes, they amount not to a *Presumption of Right* in the Princes, but only of *Caution* or *Oeconomy*, either in the *Synods*, or *Princes*; of which we shall speak in full, when we come to the Particulars. In the mean time the Argument for Prescription cannot hold from such Councils, which Kings alone *can call*, or *institute*, with *Conditions* and *Ties* of *Dependance* on them, to such as *may convene*, and *Act independantly*. And therefore from *General* and *Mixt* Councils *no Rule* of *Prescription* can be drawn for the *same dependency* in Synods *purely Provincial*, or *less*; and consequently all that design and labour of the *Doctor*'s herein, is utterly *impertinent*, and *inconclusive*.

CHAP.

CHAP. VII.

Of the *Authority* of *Christian Princes* over Synods Ecclesiastical, *after the Conclusion* of their Acts.

§. 1. THIS Authority the *Doctor* considers in a double Respect; 1st, in Reference to their *Persons*; 2dly, in Reference to their *Acts*. And first in Reference to their *Persons* he affirms, *that as no Synod can be regularly* assembled *without the* Consent of the *Civil Magistrate*, so *neither*, *being Assembled*, *can they* dissolve themselves, *or* depart *without his* Licence. (1.) Now of this, I cannot understand one Syllable, nor has he proved it by any one *Saying*, *Canon*, or *Constitution* of the *Ancients*. The first *Canon* in the Year 1640. affirms a *Right* to *all Christian Kings* to *call* and *dissolve* Councils, but not to *them alone*; * and so comes not up to this Doctrine of the *Doctor*. That in Cases of *Equity* or *Necessity*, they may as well *dissolve* as *convene* without *Royal Licence*, I have already forced the *Doctor* to confess by my Remark upon his *Instance* in the Council of *Ariminum*. (2.) And therefore the *Royal Power*, whatsoever it is, obliges not against *Equity*, or *Extremities*. Now here I am farther to note, that as his *Instance* of the Council of *Ariminum* blasted him, so his two others at *Ephesus* and *Chalcedon* fail him from supporting this *dissolving Articles*, as being not *adequate*, or *pertinent* to the *formal Purport* of it: For *this Article* asserts to the *Christian Prince alone* the *Power* of *Dissolution*, after they have ended all that was to be done by them; after which the *Doctor* says, they cannot *dissolve* without *Royal Licence*. But the Orders laid on the General Councils of *Ephesus*, and *Chalcedon*, required them *not to depart*, *'till they had finished completely all the Business for which they were conven'd*. (3.) But 1st, this at the most can but *prescribe* for *non-dissolution* under a *positive Prohibition*, but not meerly *without Licence*, where there is *no such Prohibition*. 2dly, The *Prohibition* lay only, *'till all were finished*; but after laid no *Injunction* to expect a *positive Licence*,

Right of Dissolution.

(1.) Auth of Chr. Pr. p. 76.

* *See this proved above* Chap IV. §. 7.

(2.) Pref. to App. p. xix. *See* M. E. p. 100. *and* Lett. *against* App. p. 44. 45.

(3.) Auth. of Chr. Pr. p. 78. *See more below upon these Councils.*

Licence. Now *to ſtay till they had finiſhed their Buſineſs*, became their *Duty*, not *meerly* to the *Imperial Mandate*, or *Pleaſure*, but the *Reaſon of the Thing.* But when all is finiſhed, there appears no *Ground*, *Equity*, or *Reaſon* for a *Royal Right of longer Detention*, and conſequently *no need of his Licence* to give the Synod *a Right* of *Diſſolution*, as appears by the *Doctor*'s Inſtance in the Council of *Ariminum.* Beſides, theſe three Inſtances were of Councils deſigned for *General*, and ſuch as could not be *Authoritatively* convened without *Imperial Precept*; but what can theſe *preſcribe* for the like *Imperial Authority* in ſuch Councils, in which Princes *actually interpoſe not* at firſt, or laſt, (as in the *leſſer Councils*, they ſeldom did, by the *Doctor*'s own Confeſſion) or in ſuch, which being *Stated*, or otherwiſe *occaſionally* neceſſary, Princes have no Power to *obſtruct*, or *reſtrain.* In all this, therefore, I want the *Doctor*'s *Reaſon* and *Accuracy*, and do what in me lies engage him to *retract*, or *amend* it.

The Dr's *Notions of the invalidity of Canonical Acts not confirmed by the King.* (4.) *Ib.* p. 79. *as firſt their Definitions of Faith. Compare this with* F. Layner *the Jeſuits Plea for the like Power of the Pope over General Councils.* F. Paul. *Hiſt. of Counc. of* Trent. *lib.* 7.

§. 2. From the *Perſons* come we to their *Acts*, which he diſtributes into *three Claſſes*, viz. their *Diſinitions of Doctrine*, *their Canonical Conſtitutions*, and *Judicial Sentences*; of all which, he aſſerts, that they are *Subject* to the *After-Judgment* of the *Chriſtian* Prince, in order either to his *Confirmation*, *Annihilation*, or what he pleaſes. And firſt of all concerning *Synodical Definitions of Doctrine*, *he conceives 'tis allow'd on all hands*, *that they are* no farther Obligatory *than as they are* Ratified, *and* Confirm'd *by the* Civil Authority. (4.) Now I, for my Part, think this Propoſition, ſimply taken as it lies, is allow'd by *none* but *rank Hobbiſts*, and the *Doctor*, and ſo a *Maxim* worthy of ſome *other Patron*, and *Dedication.* But if all their Obligation is from the *Civil* Authority, then ſo it muſt be under *Heathen*, *Mahometan*, and all *Alien* Powers, for the *Civil* Authority is generally the ſame in *all* Princes, and all particular *Authorities* and *Obligations* deſcending from it are *Civil*, and none appropriate to *Chriſtian* Princes *as Chriſtian* on the *formal Reaſon* and *Right* of their *Chriſtianity.* The *Doctor*'s therefore was at leaſt very unwary and careleſs in calling *this* Authority *Civil*, and ſo founding all Synodical Obligations in *this meer Civil* Authority. But to inſiſt a while in the ſame ſtrain is yet more culpable, when he tells us, *that the* Diſinition *of* Synods *in Favour of the Faith. will ſignify very little, 'till what they have determin'd to be the Royal Faith, be alſo* allow'd *by the* Civil

Power

Magistrate *to be publickly profess'd and taught, and be received into his* Favour, *and under his* Patronage, *as such.* What I have remarked heretofore hereupon may be seen in the former Part, (5.) but here is something more to be added: For had he simply said, that the *Allowance*, *Favour*, and *Protection* of the *Prince* had given Doctrines their Obligations, then all *Tolerated*, *Encouraged*, or *Protected* Heresies, having been Synodically determined by the Councils of such Parties, would have been at the same time *Obligatory*, though contrary to each other. The foresight therefore of this monstrous Consequence seems to have confined the *Doctor* to an *obscure*, but a *more wary* form of Expression in *these* than in the *antecedent* Words. In *those*, he says, *what* that Faith *is*, *which shall be* allow'd *to be profess'd in every* Community, *by the* Laws *of it*, and *receive*, *not only* Protection, *but* Encouragement *by the* Civil Power, *must be left to the* Prince *to determine*, which may indulge and encourage many contrary Faiths; but here, what Synods determine for the *Right Faith* becomes *Obligatory*, not simply, when *Patronized*, but when *Patronized as such*; i. e. (if I mistake not) *as the true Faith.* So then the *Obligatory* Power of Synodical Definitions in *Faith*, depends not simply on *Royal Favour*, but *such only* as is the express effect of his judgment, that the *favoured definition* is the *true Faith*, which after all is to assert, that the *Obligation* of *Faith*, is from the Princes *Opinion* declared for it, and so *giving encouragement* to it, which can indeed be but *one sort* of Doctrine. But then this will bid as fair for *one Heresie*, as for the *real Faith*, when the Prince is of such *Heretical* Persuasion. However it at least takes away the *Divine Authority* of the *Faith*, and its Catholick Evidences as *obliging* us to receive it, where the King is of another Persuasion, though the *Synodical definitions* are the *effects*, and *acknowledgments* of such *Divine* and *Catholick Evidences*, and bind us to their Reception, upon pain of *Excommunication*, or other *private Censures* of the Church, which *alone* with the *Doctor signifies little*, and *obliges nothing.* What *little*, and *nothing*? Why then is *Excommunication*, *Deprivation*, *Degradation*, inflicted on *Recusancy*, where Princes determine not their own Faith? So they did, and still do under *Heathen* Princes. And *were*, and *are* all their *definitions*, and *injunctions* of *Faith*, insignificant *Nullities*? And are their *Spiritual Censures*, either *in themselves*, and *universally*, *nullities*, as not authoriz'd by the *Civil* Magistrate?

(5.) M. E. p. 174.

Or

Or ſo only in this Caſe, when paſt for *recuſancy* of the *Faith*, which the Prince does not *own* and *encourage*? How vile an Impiety muſt all the Church be guilty of in *cenſuring* Hereticks under *unchriſtian*, or *Heretical* Kings? Whereas upon this *Hypotheſis*, rather no King can be a *formal Heretick*, nor his Opinions *formal Hereſy*. The *Definitions of Faith*, before *Conſtantine* againſt ſeveral Hereſies did they oblige the Church in thoſe Ages? If not, to what end were they paſt with ſo much labour and difficulty? If they did, I ask in the next place, whether their *Chriſtian* Obligation *continued of it ſelf* under the *Chriſtian* Empire, or only by virtue of *Imperial Opinion* and *Encouragement* of their Truth? If of it ſelf, then it ſtood not on the *Imperial Perſuaſion*, and *Encouragement*; if upon *Imperial Encouragement*, I would fain know of what kind? The *Doctor* mentions *Allowance*, *Protection*, and *Encouragement* of it *as the right Faith* as all *jointly* neceſſary to ſuch *Obligation*, Now *Allowance* is eaſy to be known, that it is *a grant of Impunity*, which yet creates no *Obligation*; *Protection* is a defence againſt Oppreſſion, which alſo can give no *Obligatory Force* to a *true Faith*, which it had not *before*. But what is meant by *Encouragement*, I cannot tell, as it is here diſtinguiſhed *ſo critically* from *Allowance*, and *Protection*. However, he tells you, that no Synodical Definitions of Faith oblige at all without *Royal Allowance*, nor with *That alone* without *Royal Protection*; nor with *both theſe* without *Royal Encouragement*; which, what 'tis, *God*, or *none* knows. But where then is the *Obligation* to *Martyrdom* for the *Chriſtian Faith*, to *Excommunication*, and the *Wrath* of *God* for renouncing it in time of Perſecution, and *Diſcouragement*? But perhaps by *Encouragement* he means Civil *Ratification* and *Confirmation*; for in theſe he founds all the *Obligatory Vertue*, of Synodical Definitions in *matter of Faith*; this is the very height of *Favour* and *Patronage*; be it ſo, then let us ſee, whether the *Obligations* of Eccleſiaſtical *Definitions in Faith*, made *before* the *Chriſtianity* of the Empire did *after* the *Chriſtianity* of the Empire ſtand in *Imperial Ratification*? And hereunto we muſt critically conſider in what we ſhall found the *Chriſtian Character* of *Conſtantine the Great*? Whether in his *oral Profeſſion* of Chriſtianity *before* his Baptiſm, or in his *Canonical Profeſſion* of it *in* his Baptiſm? If in his *Oral Profeſſion*; then the *Obligations* of Eccleſiaſtical *Definitions in Faith made before* his Reign, as ſoon as he *orally Profeſſed* Chriſtianity, depended

on

on *his Ratification* before himself was Baptized; but as this is absurd enough, so do we not find any of *his Ratifications* before his Baptism past upon the *former Creeds*, or any *other Definitions of Faith*; to *none* before the *Nicene Creed*, which was at least 12, 11, or 10, Years after his *oral Profession* of Christianity; if you place his *Christianity* in his *Baptism*; after this he ratified no *Creed*, or *Definition of Faith*; and consequently the *Ancient Formularies of Faith* ceased to *oblige*, as soon as *Constantine* either *orally* or *canonically* professed Christianity, because he *never ratified them*, and so the validity *discontinued* for the same Reason, under all *succeeding* Emperours, who never presumed to *ratify* those *Primitive Creeds*, as necessary to their *Canonical Obligation*, by which they found themselves bound to receive them, in order to the *Communion of Saints*, and *Salvation of their Souls*. But supposing their *antecedent Obligatory Vertue* to expire under the *Christian* Emperours for *want of such Ratification*; this must be the issue of some *internal Impotency alone* in such *Definitions*, or some *exteriour Operation* from the *Christianity* of the Emperour, not from any *internal Impotency alone*: For there had been *no such internal Impotency*, or *invalidity* in them, had there been no *Christian* Emperour; not from any *exterior Operation* meerly from the Emperour's being *Christian*; for *That alone* could have no *exterior Operation*, especially such as should *destroy* all the *former Obligations* of the *Christian Faith*, by which himself became *Christian*, except the *Christianity* of Princes can do more mischief to the *Powers of Faith* than their *Unchristianity*. In vain will the *Primitive Creeds* plead *Exemption* herein; for though their substrate Truth be of God, yet their forms *were* and *are* Ecclesiastical *Definitions*, and the same *Synodical*, though the *Particular* Synods that instituted them are not remembred; for it is impossible *single* Bishops should *separately* institute and authorize them with *Canonical Obligations* to a *Catholick Reception* throughout the universal Church. Or supposing them the *Institutes* of *single* Bishops, can their *Forms* and *separate Definitions* have a *more valid* and *Independent Vertue to oblige*, than such as had been *Synodical* and universally received, *without*, and *before* the *being*, and *Ratification of Christian* Emperours? If then the *Primitive Creeds*, and *Definitions of Faith* were of *Obligatory Vertue*, *before*, and *under* Christian Emperours *simply* in themselves without *Imperial Ratifications*, why should not *Synodical Definitions of Faith* under *Christian*

Emperours

Emperours or Princes have the *ſame Canonical Vertue?* eſpecially on ſuch Synods, in which the Princes *interpoſe not?* For I have one Argument for this *Canonical Obligation* in *Synodical definitions of Faith*, which may either *prevail with*, or *diſcompoſe* the *Doctor*, becauſe it is *his own*: For he ſuppoſes it for a Principle unconteſtable, that when the *Synod* hath performed their part in *defining* and *fixing* the *Faith*, the *Chriſtian* Prince is *bound* to ſupport their *definitions*, which *ſupport* he after places in the *Royal Sanction*, in order to which he requires the *Synods* to convince *him*. (6) Well then, the *Prince* upon *due Conviction* is *bound* to *ratify*, *confirm*, and *eſtabliſh* the *Synodical definitions* of *Faith* according to this paſſage of the *Doctor*. Now to unravel all Ambiguities, we muſt conſider, that *Verbs* and *Nouns* of *tranſient Actions* have a double Sence, or extenſion of Senſe; ſometimes *efficacious* only, and confin'd to the *Operation it ſelf alone* on this ſide the *Effect* in the Patient; ſometimes *Effectual*, when it denotes the *Effect* alſo. Now when the *Doctor* charges it as a *Duty* upon the Synod to *convince* the Prince in order to *oblige* him to the *ſupport* and *ſanction* of their *definitions*, he muſt underſtand *Conviction* only in the *Efficacious* Senſe, i. e. to offer him Reaſens ſufficient to *convince* him if capable of ſuch *Conviction*, for more than *That* cannot be their *duty*. Now if ſuch *Convictions*, or *convictive Reaſons*, *efficaciouſly offered* according to their *ſuppoſed duty*, do *oblige* the Prince unto the *ſupport* and *ſanction* of their *definitions*, though the Prince be not *effectually convinced* by thoſe *convincing* Arguments; this is more than I require, or pretend to; nay, 'tis as much as the rankeſt *Papiſts*, or *Preſbyterian* can demand, and perhaps their *Anathema*'s too have been thunder'd out againſt all that ſhall preſume to call their *Deciſions* in *Queſtion*, the *Prince* is obliged to add his *Sanction* to their *Definition*; then, I hope, they will think it to be their *Duty*, in order to his *confirming* their *Decrees* with a *good Conſcience*, to *convince* him of the *Truth* of them; and not expect, that he ſhould not only *believe* himſelf, but ſhould *oblige* others to *believe*, what neither *he*, nor *they* ſee any *Reaſon* to *believe*.

(6.) Auth. of Chr. Pr. p. 74. 75. When the *Synod* hath ſetled the *Doctrine* of *Faith*, and framed, as they conceive, a *juſt*, and *Orthodox Confeſſion* of it, as if the *Duty* of the *Prince* to *receive* and *give Countenance* to the *Definition*, or is it not? To ſay that it is not, is to ſink the *Credit* of *ſuch Meetings* very low indeed, and to make their *Aſſembling* of very little *Conſequence*, if when they have done all they can to fix the *Doctrine* of the *Church*, neither the *Prince* has any *Obligation* to *ſupport* their *definition*, nor the *People* to *receive* it. But if, when the *Synod* has done, and their *Sentence* is paſt, and

sire against the *Regal Supremacy*. But if he takes *Conviction* in an *Effectual* and *Passive* Sense; then, first, this is not within the *Duty*, because not within the *Power* of Synods, or Mankind; and yet secondly, even in *this* Sense the *Convictions* of Synods, obtaining in Princes *effectually*, do by the *Doctor oblige* the Princes to the *support* and *sanction* of their *Disinitions* by their own *internal convincing Vertue*, and therefore to *receive* those *Definitions* first in order to such *consequent support* and *sanction*. So that these *definitions*, *effectually convictive* of the Prince, are *immediately Obligatory* on *him*, *before* (and therefore *without*) his *Civil Ratification*, or *Confirmation*. And if there be the *same Obligation* upon *Princes*, and *People* to *receive* the Synodical *definitions of Faith*, (as I should think there are) then the *People*, as *effectually convinced* by them as the *Prince*, are *immediately obliged*, by the *Vertue* of such *definitions so effectually convincing*, to *receive* them, though they never acquire *Civil Support*, or *Sanction*. Nay, suppose we should concede, (what no Reason can admit) that the *Prince* is *immediately obliged to receive such definitions upon their effectual Conviction*, but the *People* only *mediante Regia Sanctione*, by the *Intervention* of the *Royal Sanction*; yet, as hereby the *Prince* and *People* are *obliged* by *different Motives* of Faith, so the *Authority* of the *Synods* in the *Obligations* of such *definitions* will be *Supreme* over both *Prince* and *People*; the *Synod* first binding the *Prince* to *receive* their *effectually convincing definitions*, and then to *support* and *establish* them among his *People*, and by that means to *make*, *and oblige them to believe*. And yet moreover hereby at the lowest he clubs in with *Papists* and *Presbyterians*, to a very *undue* and *injurious Depression* of the *Christian* Prince, in supposing him *bound* by an *effectual Conviction* of Truth in the *Definition*, not only to *receive*, but *civilly* to *establish* it: For this is a *direct subjection* of his *Civil Authority*, to the *Synodical*. Whereas a *Prince* is not *subjected* in his *Princely Authority* to the *Powers Hierarchical*, but only *personally* as any *other Lay-Christian*, i. e. in *definitions of Faith* to *receive* them as enjoyned in order to *Ecclesiastical Communion* not otherwise (of *Right*) *Canonically* to be had. But *Regal Sanctions* are under no *Synodical Authorities*, *Precepts*, or *Obligations*. 'Tis true, indeed, the *Doctor* after says, that *the Prince is not obliged at all adventures to confirm the Determinations of the Clergy*, for Reasons which I allow to be good; (7.) but then even *this* saying supposes him to be so

(7.) *Ib. p.* 81. 82.

ſo *obliged*, when *effectually convinced*, which is what I abſolutely deny, if by *Confirmation* he means *Civil Sanction*; for as of *This* the *Church*, and *Faith* have no need to any *Eccleſiaſtical Ends*; ſo have they of themſelves no *Civil Intereſts* due to them *meerly as Chriſtian*, from even the *moſt Chriſtian* Prince, who therefore is free either to grant, or deny *Civil Sanctions*, even to the moſt *effectually convictive* Definitions; ſo far am I from the *Popiſh*, or *Preſbyterian* Principles herein, which he, that charges me with them, ſo foully, and improvidently falls into himſelf.

The Senſe of the Ancients concerning Regal Confirmations of Definitions in Faith.

§. 3. From the Senſe of the *Doctor* paſs we to that of the *Ancient* Ages, wherein we find them uniform, that the *Definitions* of *Catholick* and *Canonical* Synods were of the *Holy Ghoſt*, (8.) as ſhall more fully be ſhewn, when we come to particulars. And if ſo, then ſurely they believed them to be in their own *internal* and *ſacred* Vertue *Authoritative* and *Obligatory*, even without any *Civil Ratification*, which therefore *Catholick* Princes could not pretend to be *conſtitutive* of all their *Canonical Obligations*. In reverence to this Principle, *Theodoſius Junior* diſclaims all *Imperial* Authority in *Sanctions* of *Faith*, and aſcribes all to the *Holy Synods*; (9.) Though, God knows, he dealt too boldly and tyrannically in the Synods, which he called. Thus the good Emperour *Marcian* alſo Glorys; *that he received the* Faith *from the* Synods *of* Holy Fathers, *and uſed* no force *to make any Man ſubſcribe, or conſent, not deſigning to draw any Man into the way of* Truth *by* threats, *or* violence; (10.) which yet he muſt have done in *Duty*, if *This* only could have *obliged* Men to have *received* the *definitions* of the Synods. Nay, and he owns the *definitions* of Synods in *matters of Faith* to be of themſelves alone *Canonically Authoritative*, and to be revered Piouſly thereupon (11.) Nay even *Elpidius*,

(8.) Ut videre ubiq; locor. int. vett.

(9.) *Sacr. Im. Theod. ad Cyrill. ap. Concil. Eph. 1. Par. 1. Cap.* 31. καὶ γὰρ ἐξ ἀρχῆς ἡμῖν αὐτοῦ (i. e. *Pietatis Sermones*) ἐκ ἀπειλῆ τινος ἐφωραδίου, ἢ ἐφωρᾶσθαι νομίζοντος ἀλλ' ἢ τῆς ἀληθοῦς πατέρων καὶ τῶν ἱερῶν συνόδων βουλῆ κατεσήσατο. Καίτοι παντὶ δῆλον, ὡς θρήσκεια τὸ βέβαιον ἔκ ἂν ἐκ κελεύσεως ἔχοι μᾶλλον ἢ συνέσεως.

(10.) *Sacr. Imp. Marcian ad Archimand. & Monach. Alienſ. ap Concil. Chalced.* Par. III. Cap. 19.

(11.) *Sacr. Imp. ad Præfect. &c. ap. Concil. Chalced.* Par. III. Cap. 12. ἀκόλουθον γὰρ σφόδρα κατέσκε τῆς ὑποκόπων τῆς καθαρᾶς διανοίας τὸν Θεὸν θρησκεύοντων τοὺς ΥΠΟΤΣ ὑπὲρ τῶν ἀμωτάτης καὶ ὀρθοδόξου πίστεως πεφυκότας, καὶ τοὺς τῆς πατέρων καρδίας καὶ ἰσχύσι φυλάξαι τὸ σεβάσμιον, &c.

the

the evil Instrument of an Emperour then *Eutychian*, *Hypocritical*, and *Tyrannical*, does in the Name of his Lord attribute the *Supreme Judgment* of the *Faith* to the *Bishops* in the 2d. Council of *Ephesus*, and expect security to himself and Subjects from them, to whom he says, *that* Christ *had committed himself to be Judged*, &c. (12.) not pretending them to be only of *Counsel* to *Theodosius*, and Authorized *by him alone* in *all* their *Acts* and *Definitions*. And hence the Emperour *Constanstinus Pogonatus*, who would try the *Monothelite* point in the 6th. Council *only* out of the *Holy* and *Oecumenical Synods*, and the *Holy* and *Select Fathers*, (13.) professed that he had a *persuasive*, but would by no means use a *coactive* Power, which he look'd upon as unlawful, not (with Doctor *Wake*) as *only Authoritative*, and of *duty necessary*. And therefore such as made their Complaints to Emperours in the Cause of *Faith*, and desired *Synods*, and *Synodical Judgments* to be assigned by Emperours, in their higheſt flights give not the *chief*, much less *all* the *Confirmation* of *Faith* to *Emperours*, but only a *secondary* and *corroborating Consecutive* part in it; as appears by the Address of *Basil* the *Archimandrite*, and others, to *Theodosius Junior* in the Business of *Nestorius*, (14.) before the 1st. *Ephesine*. And hence in the Council under *Mena*, the Libel of the Monks presented to this Synod intreats, that the *matters of Faith*, moved therein, might *receive an Establishment* * *in Writing by the Decree of the Synod*. (15.) And we find all along through all Ages, that the successive Synods and Emperours look'd upon the Catholick and uniform *Definitions* of *Faith*, and *Doctrine*, past and Established by the more ancient Fathers and Synods of the Church, as inviolable Rules to *oblige* all after Ages, without any mention of any *Imperial* Authority *contributing* to that *Sanctity* and *Spiritual Obligation*. Of which there will be fuller Account, when we come to Particulars.

(12.) *Ap Concil. Chalced. Par.* 11. *Act* 1. *inter Ephes. Act.* Ἰλὼ ὁ μακαριώτατος καὶ ἁγιώτατος ἐπίσκοπος ὁ θεόπαλις καὶ βασιλεὺς ἐφ' ὑμᾶς, ὡς πατέρας καὶ κριτὰς ἄγει καὶ παρ' ὑμῶν διρέως βέλει τὸ κινεμένον λύσιν, κοινὴν ἅπασι τὴν καὶ τοῖς ὑπηκόοις ἐπομένην ἀσφάλειαν —— σήμερον ὑμῖν ὁ τῶν ὅλων δεσπότης, καὶ θεὸς λόγος σωτὴρ εἰς κρίσιν ἑαυτὸν παραδίδωσι, καὶ δικαζόντων ἀνέχεται καὶ τιμᾷ τὴν ἐξουσίαν τῶν ἱερέων ὑμᾶς.

(13.) *Concil.* VI. Act I.

(13.) *Imp. Sacr. ad Pap. Agath. ap. id. Concil.* ἀσφαλέστερόν γὲ καὶ παρακαλεῖν δυνάμεθα ὅτι πᾶσα κατορθώσει ἡ καὶ ἕνωσις πάντων τῶν χριστιανῶν, καθαναγκάζει καὶ ὠφελίμως βελόμεθα.

(14.) *Ap Concil. Ephes. Par.* 1 *Cap.* 30. ὥστε εἰδέναι ἡμᾶς ἐξ ἀνωθεν καὶ ἐξ ἀρχῆς ὑπὸ τῶν Ἀποστόλων καὶ Μαρτύρων, καὶ ὁμολογητῶν, καὶ ἐπισκόπων ἁγίων, συνεργέντων καὶ τῶν εὐσεβεστάτων βασιλέων παραδεδόσθαι τὰ καθολικὴ ἐκκλησίᾳ πᾶσιν.

* τύπος.

(15.) *Concil. Reg. Tom.* XI. p. 317.

§. 4. From Matters of *Faith* and *Doctrine* descend we to the *Canonical Constitutions* and *Politie* of the Church, to the *validity* of which the *Doctor* makes the *Authoritative Confirmation* of the *Christian Prince* much more reasonably necessary than to *definitions of Faith*. (16.) But how here can be any *gradual difference* of *Reason* or *Necessity* in *those Matters* I cannot apprehend, if *definitions* of *Faith* are no farther *Obligatory* than as *ratified* and *confirm'd* by *Civil* Authority: For if in *definitions* of *Faith*, as well as in *Canons* for *discipline*, all the *Obligation* lies entirely in the *Civil Ratification*, how can *one* sort need it *more*, or *less* than the *other* in order to such *Obligation*. But since a Man's Plea is to be calmly and fairly heard, and consider'd throughout, before his Cause is to be Censur'd, let us look into his Arguments for this *greater Reason* and *Necessity* of *Civil Ratification* to *Ecclesiastical Canons* than to *doctrinal definitions*. This he concludes upon this Pretence, because in *Canons* for *Discipline*, the *Interest of the State is concern'd, and an Authority usurp'd, and Mens Civil Interest, either directly, or by Consequence, affected.* * *And to all which the Consent of the Prince is required; so the Nature and Ends of Government will not permit, that any thing of this kind should be done within the State without his Consent first obtain'd for the doing of it.* (17.) In which he sets forth two things; first the *internal Nature* of these *Canons*, and secondly their *dependance* for *validity* upon *Royal Consent*. As to their *Nature*, he says, that the *Interest of the State is concern'd in them, that they are an usurpation of Authority*, and carry in them, either a *direct*, or *consequential Affectation of Mens Civil Interests*. Now I have above asserted, that as the Power of the *Keys* is of no such *make*, so neither are several *Institutions* of *Discipline*, as the Sign of the Cross, bowing at the Name of *Jesus*, Adoration toward the East, Trine Immersion, kneeling at the Sacrament, to which might have been added many other Primitive and Venerable Usages, as standing at the *Creeds*, and *Gospels*, the gradual Forms of proselyting Men to Christianity, and reducing them by Penances, and all the Rules reckon'd up by *Tertullian de Corona Militis*, *Justin Martyr*, in that which is call'd the 2d. *Apology*, S. *Basil* to *Amphilochius*, *C.* 27. and all the Discipline in the Canons of *Elvoire*, *Ancyra*, and *Neocæsarea*, &c. which were never before Doctor *Wake* look'd upon as

Usurpations

(16.) Auth. of Chr. Pr. p. 79. 80.

Of the Regal Confirmation of Canonical Constitutions.

* *This Expression, simply as it lies, deserves a severer Character than I can give it, except there be some qualifying Sence, which I discern not.*

(17.) *Ib.* p. 80.

Usurpations of Authority, or *Affectations of Civil Interests*. For if they are so simply in their own *Nature*, as they seem here pronounced, they *were* and ever *will be* so, under *Unchristian*, as well as *Christian* Princes; and so would (secondly) have as much needed the *Consent* of the *Heathen* as the *Christian* Emperours to acquire *Canonical Validity*, and to excuse them from *Usurpation* and *Rapine*. But, thirdly, were they *such* in their own *nature*, no Prince *ought* to *confirm* them, and thereby *legitimate* Usurpations, but to *suppress* all undue *Affectations* of *Civil* Interests.

§. 5. So much then for the *Right*, *Necessity*, and *Authority* of *Royal Confirmations*, *Ratifications*, and *Sanctions*, in Matters o *Faith*, and *Canons* for this *Ecclesiastical Discipline* and *Polity*. Come we next to the *annulling*, and *rejecting* Power, which he ascribes to the *Christian* Prince over *these Matters* as equally as the *Ratifying* and *Confirming* Authority, and lodges all in the *final* and *subsequent* Determination of such Prince. Now what the *Doctor* seems carelessly to *confound*, That I must *distinguish*, namely, *rejecting*, and *annulling*: For a Person either in *Right* or *Fact* may *reject*, what he can in no wise *annul*. In meer *Fact*, Princes and other Men may *reject* the practice of that which in *Right* they ought to admit, even in *Canonical Ordinances*; which yet they may of *Right* reject from *Civil Sanction* desired by the Synods. But this will not amount to an *annulling* Power over their *Spiritual Obligations* and *Canonical Validity*. Since *simply*, and *universally*, Princes can only *annul Civil*, or *Secular Constitutions*. And this we see even here at home in the Laws of our *Prohibitions*. Besides to *annul*, is to *extinguish*, *annihilate* and *reduce again to nothing* an *antecedent validity*, and is a *formal Privation*, of a *formal Habit*. But how the *Doctor* will reconcile himself herein, I am to seek. He had before said, that these *Ecclesiastical Definitions* and *Canons* under *Christian* Princes have *no obligatory vertue of their own in themselves alone*, but *only* by *Civil Confirmation*; and if so, then *of themselves* being ever *null*, they cannot be *annul'd*. Nor can it be shuffled off, that the Prince may *annul* his own *Ratifications* past upon *such Definitions* or *Canons*; for this is *nulling* of his *own Acts*, not the *Acts* of the *Synod*, by an *Authority* over the *former*, not the *latter*; whereas the *Doctor* asserts to the Prince an *annulling* Power over what the *Synod* has done, if it shall appear to be *hurtful*, or *unjust*. (18.) 'Tis to no purpose here to pretend, that by

The annulling, and rejecting Power examin'd.

(18.) *Ib.* p. 83.

annulling, is meant the *denial of a legal Sanction*; for this denial does not *reduce it to nothing* in *extinguiſhing* its *former Canonical Vertue*, but only *refuſes* a *ſecular Additament*. Nor can it looſe what it *has* by a *denial* of *more*. But farther it is to be noted, that in order to the proof of this *annulling*, *rejecting*, or *altering* Power over theſe *Acts Synodical*, he aſſerts not *Synods* in matters of *Eccleſiaſtical Diſcipline*, and *Affairs* are but a kind of *Council* to the *Legiſlative Powers*, whoſe *Advice* Princes having taken, may ſtill Act as they think fit; and *Canons*, drawn up by the *Synod*, is but as it were the *Matter prepared for the Royal Stamp*. (19.) Now if this be ſo, then *meer Advice* being *incapable* of *nulling* or *altering* by the *Adviſed*, the *Canons*, being but *Advice*, are therefore not Subject to the *annulling* Power of the *Adviſed* Prince, for whoſe *Royal Stamp* only they prepared. So this *diminutive* Notion of *Advice* marrs the *annulling Article* it was deſigned to ſupport. Though even againſt this Notion of *Advice* the Doctor may remember, that the forms of *Canonical Conſtitutions*, beſide the *Anathema*'s, and other *Spiritual Cenſures*, run *alone* in the Name of the Synods, *Statuimus*, &c. as *their peculiar* Ordinances, even under *Chriſtian* Kings, yea, and in a *State Incorporate* too, in which the King intermixes not; his Legal Sanction, being only *extrinſical*, and *conſequential*, not *ingredient* to their *internal Vertue*, otherwiſe than we ſee in Acts of Parliament, in which the *King*'s Authority is *primely Conſtitutive* and *in-eſſential*, and yet Parliaments are *more than of meer Advice and Council* to our Kings, though they act not *ſo ſeparately* from him as the *Convocations*. And yet even Bills of Parliament, which Kings *may*, and *do reject*, as they cannot *alter*, ſo neither are they ever ſaid to *annul*, becauſe till enacted by the King alſo, they have no *Obligatory Vertue* or *Validity* upon the Subject. So very inconſiſtent and incoherent is the Doctor in this Scheme of Imaginations.

(19.) *Ib.* p. 84, 85.

§. 6. From theſe Conceptions then of the Doctor, let us according to our method go back to the Senſes of Antiquity. In which we ſhall every where find the *Eccleſiaſtical Canons* to be called and revered as *Holy*, and *Divine*, and conſequently not eſteemed either *null* in themſelves, or *annullable* by any *foreign*, or *leſs ſacred* Authority than that of the Syonds, by which they became *Holy*, and *Divine*. On which *Matthæus Blaſtares* gives us a very lively account of the Notions received in the Catholick Church. *The Polity*,

Polity, says he, *of the* Holy *and* Divine Canons *hath flourished, as I may say, ever since the Incarnate Appearance of the* LOGOS, i. e. *from the time that the* Christian Faith *was published to the World by the* Polyglot *trumpet of the* Apostles. *Yet this* Canonical Polity *grew, and widened by particular Additaments upon various Incidences according to the differences of* Times, *and* Causes, *till it almost stayed at the 7th. Oecumenical Synod. And yet by the Grace of* God *it has continued its untainted vigour even to our time,* * *without any detriment from Time. For these* Canons *seem to me to be the several* Precious Stones, *which jointly make up the one Oeconomy of the* Church, *against which the Gates of Hell shall not prevail: For when upon the springing up of the* Christian Doctrine *the Errour of* Idolatry *withered away, as* Darkness *upon the superinduction of* Light; *the* Devil, *not enduring this defeat, did not resolve to lie still, but remembring his own doubling, and supplanting of ill men another way, he endeavoured again to overmaster* Truth *by* deceitful Opinion, *though in vain: For immediately* Synods *of* Divinely *Inspired Fathers, both* Oecumenical *and* Topical *convened in their respective Times, and vacated the design of that violence by* definitions *on the* Faith, *and* Canons *for the* good Order *of the* Church, *and our Holy Conversation, by both these ways scourging the* Infernal Adversary. *Nay the* Veneration *of* Sanctity *in the* Canons *is so high, that* * *the* Church *esteems them equal to the* Holy Gospels, *as being to us complete* Laws *and* Rules *of Conversation to all Orders of Men--- And though they require us to Honour* Kings *above all Men, yet are they not made to* truckle under their unreasonable Injunctions, *much less those of* under Magistrates *and* Captains; * *their* greater Concern *being about the* Royal Priesthood *of the* Church——— *And as they heal all Souls capable of Medicine and Repentance, so they exterminate the refractory from the eternal Inheritance much* more Authoritatively *than any* King. (20.) I will allow the *Doctor*, if he pleases, to reflect upon some superstitious Excesses in the esteem of *Canons* in those Days, *in equalling them to the Holy Gospels*, from which they conceived them instituted, but not in their advancing of them above the *annulling* or *tyrannical* Power of Kings; since all Ages, till of late, have ever agreed in this *Catholick Faith*. Of the like Sentiments they were

* *Ad. an. Christ.* 1335.

† *By an undue extreme and extravagancy in latter Days.*

ἔτοι δεσπότας νομοθετῶσι καὶ δέλοις, ἄρχουσι καὶ ἀρχομένοις, γυναιξὶ καὶ τέκνοις, &c.——ταῦτ' ἄρα καὶ βασιλέας πάντως μᾶλλον πρὸ ὀφθαλμῶν ὑπτάπτοντες, πλέον αὐδὶς ἢ χρὴ τοῖς ἀλογίστοις τέτων ἐκ ἐπφυόσην ὑποπτήξῃ ὑπτιγαῖς, πολλῷ γε δεῖ καταδέχων ἢ σεβασμῶν.

(20.) *Prafat. ad Alphab. Compend.* &c.

in the Western Church in the Days of *Lodovicus Pius* when he did voluntary Penance in the Council of his Palace *Attiniacus*, *An.* 822. in which the unknown Annalist of that Council among other things spake thus; *The* Holy Bishops, *with which the* Church *abounded in those Days*, * *convened*: *they Decreed*, *that the* Holy Canons *ought to be kept untainted*, *which were confirmed by the Spirit of God*, *the consent of the whole World*, *the Obedience of Princes*, *and the Conjonancy of the Scriptures*: *From which time 'tis received*, *that to act against the* Holy Canons *is nothing else but to act against* God, *and his* Universal Church; *nor was it ever judged by any of the* Believers, *that such* Statutes *could be* violated *without* danger *of Religion*, &c. But perhaps these will be thought the Prejudice of corrupt and dangerous Ages; go we back therefore to the most ancient, and in them to the *Canons* called *Apostolical*. On which it is not my Business to be *Critical*, but to shew the Sense of Antiquity concerning their *sacred* and *inviolable* Authority. And first we will consider the Sense of *Constantine the Great* and the *Catholick Church* in *his* Ages, concerning them, whether they were then judged as *valid* and *Obligatory in themselves* in that Reign; or as *Usurpations on Civil Authority*, and so *null* before, or without his *Imperial Ratification*. The *fourteenth Apostolical Canon* forbids skipping from one Bishoprick to another, by either engrossing, or acting Episcopally in two Bishopricks, as also exchanging a less for a greater by way of Ambition, or Interest, for so, I think, this Canon was understood in those Days though the *Scholiasts* include not the *exchange* of Bishopricks within the Intention thereof. For this alone can be that *Apostolical Canon*, the Observation whereof *Constantine the Great* commends in *Eusebius* for refusing translation from *Cæsarea* to the Bishoprick of *Antioch*; (21.) and which he recommends to the Bishops, Assembled at *Antioch* for the Election of another in the room of *Eustathius*, who was deposed. (22.) And in this I have the

* *Of Munificence to the Church.*

(21.) *Euf. de vit. Constantin. l.* 3. *c.* 59. *cit. Epist. Imp. ad Sc. inter c.c. kæi habent.*

——— τ κανόνα τ ἐκκλησιαστικῆς ὑποθήκης εἰς ἀκρίβειαν φυλαχθέντα κατεγνῶσθαι. ἐμοὶ δὲν γοῦν τάχ' ἂν ἀρεσά τε τῷ Θῷ, καὶ τῇ ἀποστολικῇ παραδόσει σύμφωνα φαίνεται ——— ἀλλ' ἵνα σοι συνέσεις ἤγωμαι τάς τε ἐντολὰς τοῦ Θεοῦ καὶ τ κανόνα ἃ τὴν Ἐκκλησίας φυλάττειν ἔγνωσαι, ὑφηγήσομαι παραυτίκα τὴν ὑποκοπὴν τ χρ τ Ἀντιοχέων ἐκκλησίας, &c. (22.) *Const. Mag. lib. c.* 60. ——— ὁρίσαι ταῦτα ἃ τῇ τῶν Ἀποστόλων παραδόσει σύμφωνα ἂν εἴη ——— χρ τ τ ἐκκλησίας κανόνα, καὶ τ Ἀποστολικὸν παράδοσιν ἔτω ῥυθμίσαι τ χειροτονίαν, ὡς ἂν ὁ τ ἐκκλησιαστικῆς ὑπεύθυνος λόγου.

Authority

Authority and Precedent Judgment of that great and wonderfully Learned Dr. *Beveridge*. (23.) Now to our present purpose it is to be noted, that *Eusebius* refused this *Translation*, because prohibited by *Canon Apostolical*, though not yet *confirm'd* by any Act of *Constantine*, which supposes it to be then *valid* and *obligatory of it self* under that Emperour, who *orally* professed the *Christian* Religion. The Synod of *Antioch*, being *secretly* of the *Arian*, and *openly* of the *Nicomedian* Interest, did (as Hereticks and Schismaticks ever used to do) apply themselves to the *Emperour* to engage *Eusebius* to accept the *Translation* in violation of the *Canons*; but the Emperour, well knowing he had no lawful Authority so to do, in stead of *vacating*, owns the *inviolable Sanctity* of the *Canon*, the Observation of which he commends in *Eusebius*, and recommends to *them*, in which he gave that *Canon* a *comprobatory* and *imperial* sort of CORROBORATION, * *consecutive* to its *Canonical Authority*, but *no proper* RATIFICATION *constitutive* thereof; which CORROBORATION he could not have added, had the *Canon* been *null* and *cessant* in it self, nor could he, would he, had it been an *Usurpation of Authority, and an Affectation of secular Interests*, of which, as it happens, it was a *Prohibition*. Before this, yea, before the Council of *Nice*, *Alexander* Bishop of *Alexandria* in the same Reign complains against those who communicated with *his Excommunicates*, that they violated the *Apostolick Canon*, (24.) *viz.* 12, 13, 16. But for this he had no Cause to complain, if these *Canons* had in this Reign been *null* as not *Imperially Confirm'd*, and so *meer Usurpations of Authority, and Affectations of Civil Interests*. But here I will put this matter close to the *Doctor*, whether the Apostolical *Canons*, forbidding Persons Ecclesiastically Censured by their own Superiours to be admitted to *communion*, or *in their order*, from which they were *degraded*, by other Bishops, or Churches, is *null* of it self, or an *Usurpation of Authority*, or *Affectation of Civil Interests* in *Christian* Reigns, or *annullable* by *all*, or *any Civil Powers* whatsoever? Let him affirm this, if he dare; and yet he cannot find *these Canons* in the *Holy Scriptures* by *these* to shelter *them* from this *Nullity*, *Injustice*, or *Abrogation*. To the Judges of *Athanasius*, assembled at *Tyre*, the Emperour writes, that *it would be their Duty to set all things as right according to*

(23.) An. not. in Can. Apost. p. 3.

* Bever. Ib. *ut vero Imperiali quoq; Authoritate veteres hi Canones corroborentur*, &c. *Vide*.

(24.) *Ap. Theodoret.* E. H. l. 1. *c.* 4'. *vel.* γ'.

(25.) *Ap. Euſ. vit. Conſt.* l. 4. c. 42.

the Eccleſiaſtical *and* Apoſtolical Canon, *that ſo the Church might be freed from ill report.* (25.) But how could the *Obſervation* of a *Null*, *Uſurping*, and *Affecting Canon* free the Church from *Reproach*, which would it ſelf be a *Reproach* to the Church? Nor can it be pretended, that *this Precept ratified it*, though before it was *Null*, for no Prince can be ſuppoſed to bid his Subjects obſerve a *Null* Conſtitution, and thereby *ratify* it; however he could not have called it an *Eccleſiaſtical* and *Apoſtolical Canon*, either as *before Null*, or as *now ſuppoſedly Eſtabliſhed* by him; for hereby it *purely* became an *Imperial Canon*, as having no *Eccleſiaſtical*, or *Apoſtolical*, but *only Imperial Vertue* and *Authority*. The 25 *Canons* of *Ancyra*, and the 15 of *Neocæſarea circ. an.* 314. were made *in* the Reign of *Conſtantine*, though perhaps *under* the Reign of *Licinnius* too, and that before he turn'd Perſecutor, who yet is not to be accounted a *Chriſtian* Emperour then. And yet *Licinnius* periſhing within ten Years after, theſe *Canons* never had, firſt, or laſt, any *Imperial Sanction*, or *Abrogation*, and yet they were ever received as *in themſelves valid*, and *as ſuch* received into the *Code* of the *Greek Canons*. It will, I doubt, be ſomewhat hard for the *Doctor* to give a ſatisfactory Account hereof conſiſtent with his *Hypotheſes*. Perhaps ſome bold *Eraſtians*, or *Hobbiſts*, may pretend that *ſome* of theſe *Canons* meddle with, and ſo *uſurp* upon *ſecularities*; but they may as well ſay ſo of the *real Canons* of the *Apoſtles*, *forbidding to Chriſtians Law-Suits before Infidel Judges*; *Eating and Drinking with Diſorderly Brethren*; nay, and thoſe of *Chriſt*, for *Lending*, *Feaſting*, and *giving without Hope*, *or Expectation of Return*. But ſuppoſe the Charge of *ſecularity* lay really againſt a few of the *Ancyrane* and *Neocæſarean Canons* yet except it lie againſt them *all*, thoſe that are not chargeable, will be a *refutation* of the *Doctor*'s *ill Character* paſs'd upon all *Canons unconfirm'd by Chriſtian Princes*. It is farther alſo to be obſerved, that not only *Synods*, but ſeveral *ſingle Biſhops* inſtituted *Canons* for their own *Diſtricts*, both *before*, and *after* the *Chriſtianity* of the Empire, which others *received*, and *eſtabliſhed* over their reſpective Churches, and all without any *Imperial Confirmation*. In the Days of the great Canoniſt *Theodorus Balſamon* (*circ. an.* 1130. *plus minus*) there were many, that rejected the Decrees of *Topical Synods*, and *particular Fathers*, as *invalid*, becauſe not made by *Oecumenical* Councils, nor *confirm'd* by the Emperour;

againſt

againſt whom he oppoſes the 2d. *Canon* of the *Quiniſext* Synod in the *Trullus*, which *confirms* as *valid* the 85 *Canons Apoſtolical*, the *Canons* of the 1ſt *Nicene* Council, of *Ancyra*, and *Neocæſarea*, *Gangra*, the *Syrian*, *Antioch*, *Laodicæa*, the 2d, 3d, and 4th General Councils, thoſe of *Sardica*, and *Carthage*; and of the Councils under *Nectarius* of *Conſtantinople*, and *Theophilus* of *Alexandria*. As alſo the *Canons* of particular Fathers, St. *Cyprian* and his *Synod*; *Dionyſius*, and *Peter* Biſhops of *Alexandria*; *Gregory Thaumaturgus*, Biſhop of *Neocæſarea*; which were *before* Conſtantine *profeſſed Chriſtianity*, *Athanaſius*, *Baſilius Cæſarienſis*, *Gregory Nyſſen*, *Gregory Nazianzen*, *Amphilochius* of *Iconium*, *Timothy* the 1ſt of *Alexandria*, *Theophilus* of the ſame, *Cyril*, of the ſame, *Gannadius* of *Conſtantinople*. And they Decree it unlawful for any Perſon to *adulterate*, or *vacate* theſe, or admit any other *ſuppoſitious Canons*, under pain of that Cenſure, which the *abuſed Canon* requires. (26.) Of all which *Canons*, in their reſpective Ages, and Countrys, here is no notice of any *Imperial Confirmation*, on which their *Validity* is *ſuppoſed* to ſtand. If then the *Canons* of *Particular Fathers* were ever, down to this Council, and from thence downward, received as *valid* without any *Imperial Confirmation*, how much more thoſe of *Local Synods*, ſome of which are here alſo expreſly reckon'd, and none of them *Blaſphemed* for *Uſurpations of Authority*, or *Affectation of Civil Intereſts*? To which I ſhall add ſome Remarkable Paſſages of *Charles* the Great, in his *Preface* to his *Capitular* at *Aix la Chapelle*, and the rather, becauſe he was the *firſt* and *moſt* aſſuming Weſtern Prince in matters Eccleſiaſtical, the *Odium* of which he *firſt* of all pretended to avert by the Example of the *Godly Jewiſh King Joſias*. He therefore enjoyns the Biſhops, *to watch over the People, leaſt the Wolf, enſnaring any one tranſgreſſing the* Canonical Sanctions, or the *Fatherly Traditions* of the Univerſal Councils, *ſhould devour him— That they are therefore to be warned to contain themſelves within the* Sanctions *of the* Fathers— *We have alſo ſubjoin'd* ſome *of the* Canonical Inſtitutes, *which to* you *ſeemed more neceſſary. I pray let none judge this* Pious Admonition *to be* preſumptuous, *becauſe we have ſtudied to correct* Errours, *to cut off Superfluities, and to eſtabliſh what is Right, but rather benevolently take it in good Part. For we read in the Book of* Kings, *how Holy* Joſias *by circuiting, correcting, and admoniſhing his Kingdom, ſtudied to recal them to the Worſhip of the true God. Not that I make my ſelf*

(26.) Vid. Can. 1. *Concil. in Trull. & Balſam.*

comparable

comparable to his Holineſs, but becauſe the Examples *of* Holy Men *are always every where to be follow'd by us —— Wherefore we have* commanded *you to note ſome* Chapters, *that you may both ſtudy to admoniſh the ſame, and what others you know to be neceſſary for you, and that you publickly Preach both the* one *and the* other *with* equal *Zeal, and omit nothing, which ſeems profitable to your Holineſs, and the People of God, and admoniſh* us *with a Pious Earneſtneſs,* &c. (27.) By which we ſee, that he took upon him to *corroborate* ſuch *Canons* as his Biſhops had *adviſed* him, by his *Imperial Injunction*; but withal leaving the Biſhops to inculcate as equally *any others*, though not *ſo* by *him confirm'd*; for that the *Canons* were *in themſelves Holy* and *Inviolable*, the tranſgreſſion of which expoſed Men to the *Snare of the Devil*, which therefore he pretended no power to *annul*. To clear up this matter more fully, I ſhall conſider ſome Eccleſiaſtical Conſtitutions from the very beginning, which, had they been of later Extraction, would have been in this Age and Country roundly condemn'd for *Uſurpations* and *Affectations of Civil Authority, and Intereſts*. Such was the Diviſion of the *Epiſcopal Diſtricts* into *Exarchates*, *Metropoles*, and *Biſhoprick* in *greater* and *leſſer* Cities, in conformity to the *ſecular Juriſdictions* of the *Romans*. Yet this really was *no Uſurpation*, or *Affectation*, though it was an *Imitation* of *Civils*, for the Reaſons of convenience, as equally expedient for the *Conduct*, and *Unity*, of the *Catholick Church*, as of the *Roman Empire*. And yet *this Polity* was ſo far from being originally *null* in it ſelf, or after the *Chriſtianity* of the Empire, for want of *Imperial Ratification*; or from being *annul'd*, or *unnullable* by *Princely* Power; that it actually continues down through all the Chriſtian Church unto this Day, by a *Right*, which no ſecular Power *ſimply* and *rightfully* can deſtroy. This Eccleſiaſtical *Conſtitution* and *Cuſtom*, ſo *ſequacious* of the Ancient *Civil Diſpoſition* of *Dioceſes* and *Provinces*, was ſo very commonly *known*, and *acknowledged*, that hence the *Ambition* of ſome *Biſhops*, and the *Vanity* of ſome *Princes*, would have had it paſs for *Law*, and *Right*, that whereſoever the Emperour made a *Civil Metropolis*, the Biſhop of *that Place* ſhould commence *Metropolitan* accordingly. This bred ſeveral Controverſies concerning *Juriſdictions* between *Metropolitans* and their *Oppoſites*, and the *Biſhops* of the *thus divided* Provinces, as *Zonaras* out of *Gregory Nazianzen* obſerves, happened in the *Cappadocian* Province on the advancement of *Tyana* to

(27.) Ap. Coll. Reg. Concil. Tom. xx. p. 5. 6.

The Eccleſiaſtical Diſpoſition of Diſtricts into Dioceſes, Provinces, and Biſhoprick's no Uſurpations, *but only* Imitations *of the Civil Powers.*

to a *new Metropolis*. (28.) On this bottom several Ambitious Bishops obtained *Imperial Edicts* for the *Civil Advancement* of their Cities into *Metropoles*, so to commence *Ecclesiastical Metropolitans*, thereby meerly, as if this *Ecclesiastical* Dignity and hereupon been at meer *Imperial Pleasure*. This made *Alexander* of *Antioch* consult *Pope Innocent* the 1st. hereupon, who thereupon resolves it unfit, that the *Ecclesiastical Dignity and Constitution should alter with the secular Changes and Imperial Interests, and that the* ancient Metropolitan Bishops alone *should keep that* Character. Upon two such Cases between *Eunomius Nicomediensis*, (real *Metropolitan* of *Bithynia*) and *Anastasius* Bishop of *Nicæa*, (then newly made a *Civil Metropolis*) and between *Photius*, (real *Metropolitan* of *Tyre*) and *Eustathius* (a pretended one of *Berytus*) the Council of *Chalcedon* did vacate all *Imperial Pragmaticks* herein, and stood by *Old Canons*, and pass'd their 12th. *Canon* for a general Rule for the future, agreeing with that of *Pope Innocent* I.; and allowing for what was past the *Name* only of *Metropolitan*, but not the *Authority* to the *Bishops* of the *New Metropoles*. The same Council ordains, that *in the new Election of Cities the Ecclesiastical Territory shall be the same with the Civil as to* meer Bishopricks; (30.) that is, that every *City* should have its *Bishop*, not in difference to the *meer Title*, or *Imperial Authority* herein, but to the *Rational Convenience*, that all such *Great* and *Populous* Places with their *Territories* should have *Bishops*, as they really need them. So the *Reason* hereof differs *widely* from the *matter* and *purpose* of the 12th. *Canon* about *Metropoles*, which are not *amplified* by the *Honour*, nor bring a *Necessity* of making more Ecclesiastical *Metropolitans*, and more *Provincial Synods*, than there were before. Now then *this Constitution* is not in favour of any such *Imperial Right supposed thereby*, but is *Self-Authoritative*. This will appear from a memorable Instance of former Ages. The City of *Gaza* in *Palestine* had belonging to it about 20 Furlongs off an Harbour called *Maiuma*; this *City* was *Heathen*, but the *Port Christian*. Hence *Constantine the Great*, accounting it very unfit for a *Christian Town* to be *Subject* to an *Heathen City*, gives

(28.) Zon. e. Greg. Naz. Epitaph. M. Basil. in Can. 12. Conc. Chalced.

(29.) Innocent I. Pap. Ep. 18. Capil. 2. — *non vere visum est ad mobilitatem necessitatem mundanarum Dei Ecclesiam commutari; honoresq; aut divisiones perpeti, quas pro suis causis faciendis duxerit Imperator. Ergo secundum Pristinum Provinciarum morem Metropolitanos Episcopos convenit nominari.*

(30.) *Can.* 17. εἰ δέ τις καὶ πόλις ἐκ βασιλικῆς ἐξουσίας ἐπανηγέρθη πόλις, ἢ καὶ οὕτως καινισθείη, τοῖς πολιτικοῖς καὶ δημοσίοις τύποις καὶ τῆς ἐκκλησιαστικῶν παροικιῶν ἡ τάξις ἀκολουθείτω.

gives the *Port* the *Honour* and *Privileges* of a *City*, with a *distinct Government*, and called it *Constantia*. *Julian* obtaining the Empire, the *Gazites* obtain from him their *Old Superiority*, the Name of *Constantia* being extinct, and the Place called the *Maritim Port*, or *Port* of *Gaza*, into which it was *reincorporated* as to all the *secular* and *military Polity*. And so it continued down all along to after Ages. But as soon as *Constantine* had made this *Port* a *City*, the *Bishops* of that Country according to the *Canonical Custom* made it an *Episcopal See*, which continued distinct from that of *Gaza* after it became *Christian*, both having their *distinct Bishops* and *Clergy*, *Altars*, *Services*, *Territories*, &c. tho' in *Seculars* but *one* City. Hereupon in *Socrates* his Days, the Bishop of *Mæuma* being Dead, a certain Bishop of *Gaza*, endeavoured to Subject *both* the Clergy to himself, allegeing it to be *Uncanonical*, that there should be *two* Bishops of *one* City. But the *Mæumetans* opposing this, a *Synod* of that Nation decided it for the *Mæumetans*, and ordained them a *proper* Bishop, as judging it altogether fit, that they, who first by their Piety *obtained* the Privileges of a City from a *Pious* Emperour, and for the same *Piety* were *deprived* of them by an *Heathen* Emperour, ought not to be *deprived* of their *Ecclesiastical* Privileges in the *Priesthood*, and in the *Order* of Churches. (31.) Which procedure of the Bishop of *Gaza* and *that Synod* shews, that these *Ecclesiastical Districts* were not of *Imperial Ordination*, or *Judgment*; otherwise they had been *Usurpers* upon *Civil Authority*. The 17th. Canon therefore of *Chalcedon* proceeded upon the *ancient Ecclesiastical Rights* and *Order only*, not on the *Imperial*. And yet *Balsamon* and *Zonaras* use this (and *the same* repeated in the 38th. *Trullane*) to prove the *Imperial Right* in making *Bishopricks* by making *Cities*, and not only so, but of making *Ecclesiastical Metropolitans*, by erecting Cities into *Civil Metropoles*, as if the 17th. *Canon* were quite contrary to the 12th. (and the 6th. *Nicene*) and so made it void. Sure, I am, the Words of the *Canons* are far from such a *Prejudice*, which those *Scholiasts* took from the *claim* and *usurpation* of the Emperours *Alexius Comnenus*, and *Isaacius Angelus*, the Synods not daring to gainsay them, as appears from *Balsamon*, who labours to defend those *Oppressions*, (32.) by pretending the *Imperial* Power, to be ἄνωθεν from *God*, which *Comnenus* himself challenges only from the *Canons*, *viz.* the 17th. of *Chalcedon*, and the 38th. of *Trullus* by a very *manifest perversion*. But *Nicolas*, Patriarch of *Constantinople* made

(31.) *Socr.* E. H. *l.* 5. *c.* 7.

(32.) *Schol. in Can.* 12. Chalced. & *Can.* 38. Trullan.

made bold in a Synodical Letter, to shew this Usurping Emperour *Comnenus*, from *Canons* and *Laws*, that his *Practice* and *Claim* were utterly *unlawful*; (33.) though, when once made and yielded to, it was easily continued. And upon the known *Ecclesiastical Right*, in creating *Metropolitans*, *Ecclesiastical*, and *Episcopal Sees*, it was, that King *Theodomire* requested of the Council of *Lucus*, *an.* 567. that they would constitute *Ecclesiastical Metropoles and Sees with their Churches and Limits*; which he must have done himself, had it been *his only* Right. So far were *Canons* for the *extremest appendages* of Ecclesiastical *Discipline* from being reputed *nullities*, or *Usurpations upon Civils*, or *annullable* by any *Secular* Powers whatsoever.

(33.) Ap. Jus Græco. Rom. *l.* 2. *p.* 271. *citat. Clar. Bevereg. Annot. in* 12. *Can. Conc. Chalced. Vide. Ego enim nec amicorum ope ejusdem copiam esse qui potui.*

§. 7. The *Doctor*'s 3d. Point is of the *Christian* Princes *Supreme* Authority over *Synodical Sentences* and *Judicial Determinations*, which (God bless him) the *Christian* Prince may either *confirm*, *suspend*, or totally *annul*, according as he judges Synods to have *duly*, or *unduly* proceeded. His Reason, for it is short, but such as *is* and *must be universal*: For *that the Prince, being the Supreme Fountain of Justice in the State, is to rectify the undue Proceedings of inferiour Judges. And to his Conscience there will always lie an Appeal, let the Synod determine how it will.* (34.) And thus I Love a Man that dares speak out roundly. But first of all I wou'd fain know, what *all this Justice in the State* is? If he means *Civil Justice only*, I shall not concern my self to dispute him; for it concerns neither *me*, nor the *cause*. But what is this to the *Spiritual* Justice to be administred to the *Soul*? If he means, that *the Prince is the Supreme Fountain of all* Spiritual *Justice to the* Soul *as well as of the* Civil, this I do not allow for a *Postulatum*, but expect a satisfactory Proof of it. Secondly, I would fain know, how he makes Synods *Inferiour Judges*? That in *Civil* Matters, in which they are *no Judges*, they are inferiour to *Civil Powers* and *Judgments*, is what I allow; but in what they are *Ecclesiastical Judges*, I deny them to be inferiour to any *Civil Judicature*. In *England*, as things now stand, he must be a Wise Man indeed, that can tell what Synods are. Yet even *here* in matters *Christian* they are subject to *no Judges* that I know of. That in *other* matters *Prohibitions* by *our Laws* will lie against *them*, is no Argument that they are *inferior* Judges

The confirming, suspending, and annulling Power of Princes over Sentences Ecclesiastical.

(34.) Auth. of Chr. Pr. *p.* 86.

Judges in *what* they are *Judges*. But when they transgress their bounds, they become *subject* to the *Authority* of the *Temporal Bench*, not by the *Nature of their Order*, but *their Fault*. In State of *Parity*, two *equal Persons*, or *Nations* may *Prohibit* each other from encroachments, or ill attempts, and that with *menaces* of *Punishment*, to which the *Offender pro hic & nunc* makes himself *subject* by his *Offence*, though he is not *continually so* by his *Order*. As therefore our *Convocation* is an *Ecclesiastical Judicatory*, I cannot see that it is *inferior* to any *secular Judicatory* in its *own Matters*; and for any *Superior*, *Christian*, or *Spiritual Court*, I desire the *Doctor* to assign it; though if he could, it would not be much to his *Purpose*, except its *sole Spiritual Authority* were from the *King as Christian*. But because our enquiry is *universal* concerning *all Christian Kings* and *Synods Ecclesiastical*, I would fain know, to what *Court of Judicature* General Councils were of old *Inferior* in the *Judiciary* Authority over Matters *purely Ecclesiastical*, so as to be liable to an *appeal*, or *prohibition* in any *other* Court? The *Appeals* made by the *Donatists* to the *Emperour* from the Council of *Arles*, and by *Athanasius* from that of *Tyre*, &c. will not reach the Case of *General Councils*, if I allow'd all the *Prescriptions* from them that the *Doctor* could desire. These passages must hereafter be considered in due place in the second Division. Only in the mean time I would observe, that when the Adversaries of *Athanasius* had been several times cast in their *Criminations* against him by the *Personal*, and *Imperial* Judgment of *Constantine the Great*, and yet desisted not from their Importunity and Charge; he assigned them that *Tyrian Synod* as a *more competent*, and *satisfactory Judicatory*, which he could never have done, had he known himself to be the *Supreme* and *final Judge*, even of *Appeals* from Councils. Against pretended General Councils, Emperours have been Petitioned, (as well as against others) not to take upon them the *Personal Judgment*, but to convene *better*, or *larger* Councils, because above these they knew no *Superior Judicatories*, *in*, and *of* the Empire, to ratify their Proceedings. And yet, according to the *Doctor*, no Councils whatsoever can possibly put a *final End* to *Ecclesiastical Contests*, because an *Appeal* will still lie to the *Prince's Conscience*, and the *Persons cast* may make *such Appeal* to *that Conscience*, and *that Conscience* (if just) is bound it self to *hear* and *end* it. Unhappy *Arius* at the *Nicene* Council, and other *Arch-Hereticks*

finally

finally condemn'd in others, that knew not this *Mistery*, by which they might have evaded those *Synodical Sentences*, as *not in their own validity Canonically final*. Nor are we yet to stay here; we are further to enquire of the *Doctor*, how *Synods* came by *any Judiciary* Authority at all in Matters *Christian*? For with him simply in themselves they only are of *Advice* and *Counsel* to the Prince, and consequently are no *Judiciary Sessions*, nor capable of passing *Judicial Sentences*, or *Decrees*. How then can the Prince *confirm*, *suspend*, or *annul* those *Judiciary Acts*, for which they are *unqualified* and *incompetent*; and to which therefore *in Fact* they can never *pretend*, nor *procure acknowledgment*? For as no Man will be determined *judicially* by him that is no Judge; so the *certainty*, *sense*, and *conscience* hereof must restrain Men from the *Usurpation*. The very *supposition* therefore of *Synodical Judgments* shewing *Synods* to be *Judicatories*, were they *so only* by the *Commission* of *Christian* Princes? Nay, but they were as much so *before Christian* Princes, as *after*, in *matters*, *forms*, *efficacies*, and *effects purely Ecclesiastical*; the supervention of *Christian* Emperours, neither *adding*, *diminishing*, or *altering* any thing herein for a long Tract of Time. And so the *Christian* Emperours were not the *Fountains* of *this Justice* no more than of *that Justice*, and *Judgment*, which a *Physician* ows to his *Patient* for the correction of his Disease. But suppose yet *Christian* Princes were such *Supreme Fountains* of this *Spiritual Justice*, does it follow, that *their Synods* for *that very Reason* are *inferior Judicatories*, from which an *Appeal* will for ever lie to the *Conscience* of such Princes? If so, the Consequence must be the same in all *Courts* of which the *King* is *Fountain*, in all the *Benches*, and *Councils* in *England*, even of the *Lord's House* too, which last is yet taken for the *supreme* and *final*. Nay, at this Rate it will not be possible for *any King whatsoever* to erect a *final Court*, but an *Appeal* will still lie from any such to *his Conscience*, because he is the *Fountain of Justice in the State*, which *Notion* and its *Consequences* how pernicious they are to the *Peace* and *Right* both of *Kings* and *Subjects* I desire the *Doctor in Conscience* to consider, that the *Publick* may not. And hereunto he may please to remember, that *H.* VIII. how much soever he warp'd the *Conscience* of his *Convocations* by *Tyrannical Terrors*, yet made them his *supreme* and *final Judges* upon *himself* in Matters of *his own Conscience* and *Points Ecclesiastical*, from which he pretended

no

(35.) *Stat.* of 24. *H.* 8. *Ch.* 12.

no *Right of Appeal* to *his own Conſcience*; (35.) ſo *conſcionable* a while was he in *this Point*, that had ſo little *Conſcience* in *any thing elſe*, as was not worthy to be truſted with *any Appeal*, eſpecially in matters of *Chriſtianity*. I do not pretend theſe Arguments unanſwerable by the *Doctor*; he may be able to ſhake them off, though I may not know how. But if he will plead, that the *King's Conſcience* may be *appealed to* not to *new Judge* himſelf, but to *give new Judges*, then I ask, whether *theſe Judges* ſhall be of the *ſame*, or a *Superiour Order*? If of the *ſame*, then the Judges *appeal'd from* are not *Inferiour* to *thoſe* to whom the *Appeal is carried*: If of a *Superior Order*, yet from theſe an *Appeal* will ſtill lie to the *Prince's Conſcience* to grant farther *Superior Judicatories in infinitum*, which to do is *impoſſible*, as in giving *equal Judicatories*, 'tis both *endleſs*, *impracticable*, *vain* and *miſchievous*; ſince there is no *unappealable Judicatory* aſſignable by Princes on this *Notion* of the *Doctor*'s. But farther to the *giving new Judges*, there is no place for any *annulling* Power, becauſe that Imports *Judgment* and *Deciſion* of the Cauſe, which in *meer giving Judges*, the Prince is *ſuppoſed* not to make *himſelf* to *ſuch an effect*, but to grant *by*, and *from others*, if they in *Conſcience* think fit to *annul* the former Sentence; nor ſecondly hereupon is there any place for the *Prince's confirmation*, which as it is a *judicial Act*, ſo it muſt follow a *ſecond hearing*, and ſo muſt be the *Act* not of the *Prince aſſigning* Judges, and *his Conſcience*, but of the *Judges aſſigned*. So that the utmoſt ſuppoſable Power of the Prince, *in giving* Judges *of appeal*, is a *ſuſpenſion* of the *Effect* of the *former Sentence*, till the *appeal be decided*; which though 'tis very *commonly* done by *Courts of Appeal*, yet in the reaſon of the thing 'tis *only generally convenient*, *not abſolutely neceſſary*; a Power of reverſing a former *Judgment* (which is *eſſential* to a Court of Appeal) not in its own Nature *eſſentially* requiring a *Power of Inhibition* before *actual Reverſe of Judgment*. And this has been manifeſt in the Sentences of ſeveral Councils, whoſe *efficacy* had its *Effect uninhabited*, notwithſtanding *Appeals* made to *Emperours* for *Greater Councils*, till thoſe *Greater Councils* did reverſe them. And yet allowing this Power of *ſuſpenſion* in that of *giving new* Judges, this will run on *toties quoties in infinitum*. How then the *ſuſpended* Judgments can be ever *Medicinal* to the *Soul* of the *Offender*, or the *ill State* of the *Church*, on theſe *ſuppoſitions*, I leave to the *Doctor*'s maturer Conſideration.

§. 8. Having

§. 8. Having thus look'd narrowly into the inside of the *Doctor's Reasons* and *Apprehensions*; let us refer our selves to the *Sense* of the *Ancients*. Now the first thing in this kind that offers it self is the Judgment of S. *Athanasius*, to whom *Constantine* sent for the Restitution of *Arius*, condemn'd in the *Alexandrian* and *Nicene* Councils, but by *Heretical Artifices* and *Pretences of Orthodoxy*, recovering the Favour of the Emperour, from whom he beg'd his *Ecclesiastical Reconciliation*, and *Union* with the Church, (36.) *dispensing with such Nice Questions, and Superfluous Words*, (i. e. *the* ὁμοούσιον) *which obstructed peace*. To this *Mediatory* Letter of the Emperour *Athanasius* returns a (37.) *denial*; affirming, *that it was not possible to relieve those, who had once renounced the Faith, and had been* Anathematized *for so doing*. And to this he stuck, notwithstanding all the severe threatnings of the Emperour. Nay, when the Council at *Jerusalem*, after *Athanasius his* Banishment, had, upon the Emperour's reference, restored *Arius* and *Euzoius*, the Church of *Alexandria* would not admit them. (38.) Thus defeated, *Arius* returns to *Constantinople*, whose Bishop *Alexander* was required with threats by *Eusebius Nicomediensis*, and the Emperour at *his* sollicitation, to communicate with *Arius*; but he stood to his Principle too, that *it was not lawful to make void their own Sentence, and the Sentence of almost all the Bishops under the Sun convened at* Nicæa; (39.) whose *Canonical Sentence* and *Piety* God justified in the prodigious Death of *Arius*, who by *Imperial* Countenance was violently to have been obtruded on the *Communion* of the Church. Whereas had this *annulling* Power in the Emperour over Synodical Sentences been *Catholickly acknowledged*, the Emperour could by *rescinding* the *Conciliar Sentences*, have *absolv'd* and *restor'd* him, which yet *Athanasius*, and *his Church*, and that Great *Bishop* of *Constantinople* professedly and resolutely deny against all *Imperial Terrours*. The 74th *Canon Apostolical* assigns the Judgment of a Bishop to the *Provincial Synod*, and goes no farther;

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(38.) Socr. *E. H. l.* 1. κ. λζ'. *Soz. l.* 2. κ' κη'.

(39.) *Ibid.*

farther; the 5th *Nicene* also allows *Appeals* from the Sentence of a Bishop to the *Provincial Synod*, and their Ends. † The Council of *Antioch* under *Constantius*, that every where places the *final Judgment* of *Ecclesiastical Contests* in *Synods*, particularly forbids *Bishops*, *Priests*, and *Deacons* to *complain*, or *Appeal from the Ecclesiastical Judgment to the Emperour, under the pain of being for ever unrestorable.* 'Tis true indeed, this Council was *Arianizing*, though not as to the more *numerous* part: yet as to that which by the *Imperial Interests* was *most prevalent*; and it was directly designed against the Restitution of *Athanasius*, who had complain'd to *Constantine* against the Synod of *Tyre*; and St. *Chrysostom* excepted against part of it, because made by *Arians*. But the *prohibition* of Appeal to Emperours, either to *Judge*, or *give Judges*, was not matter of *complaint*. But herein lies the danger, that when Princes interpose to call *great Councils*, either on their *own inclination*, or at *other Mens Instigation*, to oppress the innocent by their too great and unequal influence, and refuse to admit as *great*, and *free* Councils for a rehearing; then this *Canon* may be very injurious; but let the *Canon* be abstract from all *Regal*, or *Secular Interpositions*, it has no such danger; and so was on that consideration taken into the *Code* of the *Greek Canons* with the rest of this Council, and so declares the Sense of that Church to lie against the *Doctor*'s Notions of *Appeals* to *Princes Consciences*, and their *annulling* Power over Synodical Sentences. To which purpose it may not be very impertinent to look into *Balsamon*'s Critical Discussion of this *Canon*: For granting, that in his time *Appeals* would lie from *Metropolitan* to *Patriarchal* Synods, the *Quære* put is, whether *these last* be *final*, or *appealable* to the Emperour. Here he relates *many Opinions*, and that upon *various Suppositions*, and *diversities* of *Persons*, and *Matters* to be judged, and the *Authorities* on which the Patriarch Judges, either *alone*, or *with Assessors*, or a *Council*, or upon *Ecclesiastical Canons*, or *Laws Imperial*; and upon all concludes, against some contrary Opinions, that

† *Pope* Julius *ap* Athan. Tom. I. p. 741. *says, it allowed Appeals to a second* Synod. *Ideo quære.*

(40.) *Can.* 12. εἴ τις ὑπὸ τῆς ἰδίας ἐπισκόπου καθαιρεθεὶς πρεσβύτερος, ἢ διάκονος, ἢ καὶ ἐπίσκοπος ὑπὸ συνόδου, ἐκκλήτοις τολμήσει τὰς βασιλέως ἀκοὰς δέον ἐπὶ μείζονα ἐπισκόπων σύνοδον πρέπειν------ καὶ τοῦτον μνήμιας συγγνώμης ἀξιοῦν, μηδὲ λόγου ἀπολογίας ἔχειν, μηδὲ ἐλπίδα ἀποκαταστάσεως προσδοκᾶν.

that there lies *no Appeal* from the *Patriarch* to the *Emperour*, in *any Cause*, for *any Person*, by *any Laws whatsoever*; remarking, among his many other exact and curious Observations, *that it never entred into the thoughts of any* Orthodox Emperour, *that any such thing should be attempted by any one, or that any one should say, that so* great a Person's Judgment *should be re-examined: For if the* Emperour *is not to be troubled for the re-examination of the Sentence of an* ordinary Metropolitan, *much less shall a* Patriarch's Sentence *be brought before him.* Nay, this *Canon* provides, that *whosoever makes such Appeal*, or *Complaint to the Emperour, his Cause for that very Reason should be for ever lost and remediless*; so great an *Evil* and *Crime* in it self such *Complaints* were accounted to be; but how could such a *Canon* be *conceived*, and *obtain* in *any Church* whose Doctrine had been, *that Emperours had Rights of receiving Appeals from all Synods and Sentences Ecclesiastical, as the supreme Fountain of Justice in the State?* But because 'twas possible for a Provincial Synod (through *Factions* procured by *Court-Interest* and *Protection*, as then happened at *Antioch*) to be divided part for one side, and part for the other, the 14th *Canon* ordains, that the *Metropolitan should call some Bishops out of the next Province, to assist the* Domestick *Provincials in the final Determination, without any recourse to the Emperour, who is not mention'd here*, as neither in the 3d, 6th, 10th, 11th, 13th, 16th, 17th, 18th, 19th, 20th, 22d, 23d, 25th, in which the *Synodical Jurisdiction* is provided for. The Council of *Sardica* in the 3d, 4th, and 5th *Canons* allows *Appeals* from the Domestick Provincial Synod, but only to the *Approbation* of the Bishop of *Rome*, upon the *Process* sent *him* by the *Synod*; and then if he allow'd it, he was, on the *first Appeal*, to assign a Synod of the *Neighbouring* Provinces, and on the *second Appeal*, one of the Province, with two Presbyters *Legates* of *his* See. He that will satisfy his Curiosity herein, let him consult the *Scholiasts*. That, which I am to obser ve is, that in this *double Appeal* the complaint was only to be carried to the *Pope*, and to depend on his Judgment for a *new hearing*, not by *himself*, but *such* Judges as *he* according to *these Canons* was to appoint, without any *farther Process* to the Emperour. And this was granted to the *Pope*, not as a *secular Honour*, but only in *Honour* to S. *Peter*, whose Suc-

ceſſor at *Rome* he was univerſally owned to be. The ſixth Canon of the 2d General Council requires all Perſons Canonically capable of proſecuting a Biſhop in an Eccleſiaſtical Cauſe, that they *begin* their *Inſtance* before the *Provincial Synod*: And if they cannot decide it, then the Plaintiffs to appeal to the *greater Synod* of the *whole Dioceſe* to be convocated hereupon, but with condition, that the *Proſecutor* of the Biſhop, at his *commencing his Action*, do under his own hand oblige himſelf εἰς ταυτὸπ'θεναν, *to ſuffer the ſame Penalty which he deſigns to bring on the accuſed*, if he fails in his *Proſecution*: *But if any Man, deſpiſing this Conſtitution, ſhould trouble the Emperour's Ears, or the Tribunal of ſecular Judges, or trouble a General Council, hereby diſhonouring the Biſhops of the whole Dioceſe; ſuch Man's Inſtance ſhould not be admitted, as affronting the Canons, and confounding the Good Order of the Church.* (41.) The Council of *Chalcedon* in the 9th *Canon* requires *Clergy-Men to be judged by their Biſhop, or by Arbitrators Eccleſiaſtical* (viz. of *competent Authority*) *choſen with his Conſent*, but by *no means to run to temporal Courts, upon pain of Canonical Cenſure. The Conteſts of the Clergy with a Biſhop are to be judged by a Provincial Synod: Thoſe with a Metropolitan are to be judged by the Primate, or Exarch of the Dioceſe, or the Patriarch of Conſtantinople.* (42.) The 3d (*ſo entitled*) Council of *Carthage* determines in the 9th *Canon*, that *whoſoever of the* Biſhops, Prieſts, *and* Deacons, *or* Clerks, *when a crime ſhall be proſecuted, or a civil Cauſe moved againſt him* in *the Church, leaving the Eccleſiaſtical Judgment, deſir'd to be clear'd by ſecular Judgment, though he obtained Sentence for him, he ſhould loſe his Place.* And ſo it was ordained in a *criminal Judgment. But in a civil Cauſe of Property he ſhould loſe what the Court had adjudged him, if he would enjoy his Place: For he that has free Authority to chooſe his Judges any where, (in civil, or pecuniary Cauſes) judges himſelf unworthy the Fellowſhip of his Brethren, who by thinking evil of the whole Church, ſeeks help from ſecular Judgment; whereas the Apoſtle commands the Cauſes of private Chriſtians to be brought to the Church, and to be determin'd there.* (42.) In the Council of *Aquileia An.* 381. *Palladius* the *Arian* would have had *Noble Men*, (whoſe Authority is from Princes) for Auditors in his Cauſe; but St. *Ambroſe* anſwered him, that *Prieſts*, (or *Biſhops*) *ought to Judge of Lay-Men, not Lay-Men of Prieſts*,

(41.) *Vid.* Concil. 2. *Can.* 6. & *Scholiaſtes.*

(42.) *Vid.* Concil. 3. *Carthag.* *Can.* 9. *Vid.* Cod. Can. Eccl. Afric. *c.* 35. & *Scholiaſt. in Can.* 15. Concil. Carthag.

In

In the Council of *Bourdeaux*, *An.* 385. *Priscillian* expecting Condemnation, appeals to the *Imperial* Tyrant *Maximus*, to which *Appeal* the Synod yielded, but very indiscreetly in the Sense of St. *Martin*, and Wise *Church-Men*. The account is thus given by *Sulpitius Severus*, *Priscillian, that he might not be tried by the* Bishops, *appealed to the* Prince; *and this was permitted by the* Inconstancy *of the* Catholicks. * *because they ought, either to have sentenc'd his* Contumacy; *or, if he suspected* them, *to have reserv'd the* Audience *to other* Bishops, *and not to permit a Cause of so manifest Crimes to the* Judgment *of the* Emperour. And when *Ithacius* Prosecuted the *Heretick* unto *Blood* before the *Emperour*, he was rebuked by St. *Martin*, who also intreated *Maximus* to abstain from the *Blood* of the *Wretches, that it was abundantly sufficient, that they were expell'd the Church as Hereticks; that it was a new and unheard of Impiety, that a* secular Judge *should sit upon an* Ecclesiastical Cause. (43.) In the Case of *Apiarius* a Presbyter, who appeal'd from a Council of his own *African* Bishops to the See of *Rome*, great stir was made both *by* and *against* the *Pope*'s Pretensions to the *Right* of such *Appeals*, which are to be seen, and best accounted for in the *African* Memorials. I shall only observe, that neither Party pleaded any thing for any *final Appeal* to the *Emperour*. The 2d Council of *Arles An.* 452. in the 31 *Canon*, forbids Clergy-Men *under pain of Excommunication, and common Detestation to carry Religious, or Ecclesiastical Causes, in neglect of the Synod, to secular Patrociny, and* Decrees, *that no Personal Causes between the Clergy, against the Bishop's Will, be carried to secular Judges, but be decided by the Judgment of Bishops.* In the Council convened at *Rome*, *an.* 501. by *Theodorick* the *Arian* King of *Italy* in the Cause of Pope *Symmachus*, this King declares it *in the free Power of the Synod to prescribe in so great Business, and that in Ecclesiastical Business nothing did appertain to* him *but* Reverence (44.) not judging *that it was his part to censure Ecclesiastical Matters.* (45.) The 2d Council of *Lyons*, *An.* 567. in the 1st *Canon* determines, *that all* Controversies *between* Bishops *of the same* Province *shall be adjusted by the* Metropolitan *and the* Comprovincials *between* Bishops *of* diverse Provinces *by the*

* *Note, that it was in the Power of the Synod to have denied the Appeal to the Emperour.*

(44.) Concil Rom. *sub.* Symmach. 3.

(45.) Præcept. Reg. Concil. addit.

Judgment of both Metropolitans *convening*, no *Appeals* being allow'd to Kings, or others; and this ſtood *valid*, though *not confirmed* by King *Gunframn*, by whoſe *command* they aſſembled. The firſt Council of *Lyons*, *An.* 517. having Condemned *Stephen* for Inceſtous Marriage with his Kinſwoman *Palladia*, the Court was offended at it, and they expected Perſecution for that Sentence from the King; againſt which however they reſolved to maintain their Sentence inviolable in the *three* firſt excellent *Canons*; not dreaming that the King had Power to *null* it. *Euſebius* of *Dorylæum*. and *Theodoret* had been injuriouſly ſentenced by *Theodoſius* the Emperour, and the 2d *Epheſine* Council; but being approved by the Council of *Chalcedon*, the Emperour *Marcian* releaſes them from *Theodoſius* his Edicts, ſaying, that *Biſhops cannot be condemn'd by Imperial Ordinance, whoſe Faith is juſtified by Synodical Judgment.* (45.) In the 6th General Council, *An.* 680. the Magiſtrates demanded in the Name of the Emperour *Pogonatus*, if *Macarius* of *Antioch*, *after conciliar Condemnation, might be reſtored again to his See upon his Converſion*? To which the Synod anſwer'd, *that the* DIVINE CANONS *would not permit it, leſt his* Hereſy *ſhould revive with him*; (46.) no Body dreaming that any *Imperial Authority* could vacate ſuch a *Sentence* paſt according to DIVINE CANONS. In the 8th Council, that reſtored *Ignatius* to the Patriarchate of *Conſtantinople*, there are theſe paſſages remarkable to our purpoſe: Firſt, that *Baſilius* the Emperour perſuades the obnoxious part to ſubmit to the Council by his own Example: (47.) Secondly, *Baanes* in the Perſon of the Emperour, aſks, *if an Heretick, of Opinions different from the four Patriarchs, ever eſcaped Cenſure? And therefore who could help the* Photian *Party condemned by five Patriarchs?* To this the *Photians* might, upon Doctor *Wakes*'s Principles, have ſaid, *the Emperour*; but they were as ignorant of this Miſtery, as was the whole World, and only ſaid in anſwer, The *Apoſtolical Canons*. (48.) The third is, that Pope *Nicolas* in his Letter to the *Metropolitans Arch-Biſhops, Prieſts*, and *Clergy* of *Conſtantinople*, (read in the ſame Council) declares, that *Ignatius, who was illegally depoſed by* SECULAR POWER, *ſhould recover by* ECCLESIASTICAL CANON. (49.) And therefore the Emperour aſcribes it not to *himſelf*, but to the *Sentence* of

(45.) *Ep. ad* Pallad. Concil. 4. *Par.* 3. *c.* 11.

(46.) Act 12.

(47.) Act 6.

(48.) Act 7.

(49.) *Ib.*

Pope

Pope *Nicolas*; (50.) though the Emperour *Michael* had by *force* deprived him. Upon the Troubles, that followed the Barbarous Persecution of St. *Chrysostom* under the Reign of *Arcadius* in the East, his *Imperial* Brother *Honorius* writes to him from the West, that *in stead of interposing in that Cause, he ought to have left it to the Bishops,* (50.) *to whom the Interpretation of Divine Things belongs, but Observance of them to the Emperours.* Nay, *Honorius* proceeds farther, and shews, that *that Cause was to have been determin'd by Bishops, and that Legates had been sent to the Bishops of* Rome *and* Italy *on both sides to hear, and* to give a final *Judgment in that Cause; but that contrary to this Sacred Rule, and these due Preparations, the Bishops of St.* Chrysostom's *Party were banished without any such Conciliar Judgment, to the Introduction of Schism, and the advantage of Heresy.* Lo! Here was a Judgment expected of even Western Bishops out of *Arcadius* his Dominion, as well as of the Easterns under it, over a Bishop of his *Royal City*, to which *Arcadius* ought to have remitted this Cause in the Sense of his own Loving and *Imperial* Brother, who in denying to *Arcadius* the *Judicial* or *Supreme Cognisance*, did as equally and explicitly disclaim his own, which he says *is to be left to the Bishops* by the very Emperours, who are not *proper Judges* in such Causes. This then was the full and professed Sense of the Catholick Church concerning the *Judicial Supremacy purely Spiritual.* Afterward, when the *Church* and *State* in the Western Kingdoms became so *concorporate*, as that both Powers *join'd*, and so gave *Canons* also the *force* of *Civil Laws*, then, by *conciliar* and *mixt Contracts*, Kings began to have *some interest* given them in *Ecclesiastical Judgments*, and that first in the *Mixt* and *National* Councils of *Spain*. Thus the 5th Council of *Toledo*, *An.* 636. *Can.* 8. allows the

(50.) *Act* 6. τὸ δὲ τῆ ἱερωτάτου Πατριάρχου ὅτι τὸ ἴδιον ἀναγάμβαι θρόνου ἐκ τῶν ἐμῶν βασιλείας ἔργον πότε ἢ ὄνομα γέγονεν.

(50.) Epist. Honor. ad Arcad. post. 31m. Innocentii. I. —*cum si quid de causa Religionem inter Antistites ageretur, Episcopale oportuerit esse judicium: Ad illos enim divinarum rerum interpretatio, ad nos Religionis spectat Obsequium.*

Erat inter Episcopos Causa, quæ collato tractatoq; consilio debuerat absolvi. Missi ad Sacerdotes Urbis æternæ atq; Italiæ ex utraq; parte legati; expectabatur O MNIUM AUCTORITATE, *sententia informatura regulam disciplinæ. Integrum nempe esse debuerat, neq; quidquam novari dum definitio deliberata procederet; cum interea mirum quoddam præcipitium festinationis exarsit, ut non expectatis literis sacerdotum, qui fuerant mutua partium legatione consulti, non examinatis rebus, in exilium truderentur antistites, animadversioni prius addicti, quam sententiam judicii Episcopalis experti.*

King

King a Power of pardoning the Crimes prohibited in that Council, the Crimes being treasonable against the Civil Sovereignty of the King, but the Sentences *Ecclesiastical* Anathemas, &c. But in the 7th Council of *Toledo*, *An.* 646. *Præfat.* the Decree that *every one of the Clergy from the highest to the lowest Order, violating his sworn Allegiance should be immediately deprived, put to Penance, and out of Communion, till the point of Death, and that whosoever should communicate with him before, should be Anathematized, and under the same Sentence; nay, though he did it by the* King's Command; *Quoniam potestati Principium nullus sacerdotum in hoc præbere debet assensum. Because herein no Priest ought to assent to the Power of Kings.* 'Tis true, this rigour was afterwards released *Conciliarly*, not *by* the King's *Supremacy*, but *at* the King's most *earnest Request* to his *Bishops*, by the 8th Council of *Toledo*, *An.* 653. which shews the *annulling* Power of *Canonical Judgment*, even in that *incorporate Church*, not to have been the King's *Prerogative*. Nor was it till the 13th Council of *Toledo*, *An.* 683. under King *Ervigius*, that Men were allowed by *Can.* 12. *to complain of one Metropolitan's injury to another, and if unheard, or unrelieved by both, then to the King*, which was an *appeal*, not from the *Judgment*, of the *Metropolitans*, but for *non-audience* by the *Metropolitan complain'd to*, to be assigned Judges by the King, either *Ecclesiastical*, or *Civil*, as the matter should require.

And now at last 'tis easy to resolve the intention of such sayings of our Worthies alleged by the *Doctor*, as that Emperours were *chief Judges*, (51.) &c. namely, that in reference to *secular effects* they were so, being under no *subjective Obligation* to any *Powers Hierarchical* as to the *Civil Authorities*, *Offices*, *Acts*, or *Effects*; though *Papists*, *Puritans*, and almost *all Sectaries* do, or would make them so. In *this* Sense, and *this only* are those forms of Expression true, and such as I do avowedly every where own, and such as are directly contrary to the *Popish* and *Fanatical* Doctrines against the *Supremacy*; but without *Civil* Authority to make all Acts Synodical *Spiritually null*, or by *Civil* Authority *Spiritually annullable*, I am sure has no ground in any of the *Monuments* of Antiquity, or any *customary* and *uniform Course of Practice* received formerly and fairly in the Catholick Church. The *Doctor* himself has

(51.) App. p. 35, 41. 43, 55, 70. *Et siqua sunt similia.*

has produced no *general Assertions* of this kind out of the *Ancients*; and how short his particular Instances come in prescribing for his *Principles*, *Articles*, and *Aphorisms*, will appear upon their Discussion in their proper place.

§. 9. And to be free, I am so far from thinking, that 'tis for the *Benefit* of the *Church*, or the *Christian Prince*, that he should be made the *final Judge*, or *Arbiter*, either to *pass Judgment*, or *give Judges* after a *Synodical Sentence*, that, as the Wise and Judicious *Lawyers* observe, all *Appeals* reflect upon the former Judge a *suspicion*, or *imputation* either of *Ignorance*, *Passion*, *Infirmity*, or *Injustice*. All which since they may fall upon *single Judges*, not excepting even Bishops, therefore even the 34th *Apostolical*, and 5th *Nicene* Canons allow *Appeals* of the *Clergy* against the Sentence of their Bishop to a *Provincial Synod*, but allow no farther Appeal; because no such *Infirmities*, *Prejudices*, or *Injustice* can be supposed in a *Canonical Synod*, in which are no *Hereticks*, or *Schismaticks*. Which as there of Right ought to be none such, so have they Power by all discerning ways *ex officio* to try, and prove every Man's Catholick Integrity, and to purge out all Corruption, according to the *ancient Methods* in times of *freedom*, and cases of *suspicion*. And had the Heretical Flatteries insinuated first upon *Constantine*, and after upon his Successors, and engaged the *Imperial Interests* to interlope upon the *Ecclesiastical*, we had never had any other but *Domestick* and *Provincial* Synods, they being, before those Insinuations, *final*. But *corrupt Hypocrites*, by the falsly *trenotick* way of Emperours (i. e. *trimming*, and *latitude* first, and after, *Violence* and *Persecution*) getting place in the Councils, created many intestine discords, which gave occasion, in stead of purging out the Evil, to appeal to greater Councils, no less free from the same Infections, especially when any Party lean'd upon the *secular Crutch*, which was the invention of the *Arianizers* in the Council of *Antioch*; and sometimes these *corrupt Interests* rais'd *Councils* against *Councils*; which therefore gave a seeming Necessity for some *more common* and *general Councils*, of which, though several were very good, yet *not one fortunate*, not through any *internal Pravity*, but the *Politie turns*, that were made upon *all* of them by *Imperial Seducements*, and *Interpositions*. So that the Church has been so far from

gaining hereby, that here we may date the rise of all her *Publick Disorders*, of which I despair any recovery in any Church, till it return to the *Nicene* Rules as nearas may be, and in order thereunto making each Province full of as many Bishops as may be thought enough for a Council, (52.) and purging the Councils by *Catholick Tests*, by keeping out all *Secularities*, and upon all by *denying* any *Appeals* from the *Provincial Councils*, except only in Causes of *Heresy* and *false Doctrine*, in which the whole Church of Christ (as to its *Unity* and *Purity*) is concern'd, and must be preserved by the *commerce* of *formed Letters* between *Provinces*, and their *Synods*, according to the *Primitive Forms*.

(52.) *Pope* Pelagius II. *Epist.* 8. *reckons* 10, 11, *or* 12. vid. *and Pope* Gregory I. *ordains* 12. *for the Province of* Canterbury, *and* 12. *for* York. *Vid.* Spelm. Tom. I. *p.* 90.

Conclusion.

Conclusion.

THESE once were the Beauties and Glories of the Church, from which we are fallen by the Love and Fear of this World, and which a Contempt of it, under a few short and impotent Persecutions, by God's Blessing, would *gradually* recover at least, if not *speedily*. Nay, a daring to suffer might (for ought we know) reduce it even without Persecution. Yet when all decent Applications hereunto have been denied, we were better suffer in our Temporals, to the Victory of our Faith, than to fall into a condition like that of *Papists*, or the *Greek* and *Eastern Churches*; or yet worse, and more opprobrious than that of the *Jews*; which in time must be the consequence of our Stupidity. Nay, we have reason to expect what is farther worse, *viz.* to have only so much of the Christian Profession left, as may effectually condemn, but in no wise better us; that since *our Hearts are waxed Gross, in seeing we may see, and not perceive; and hearing we may hear, and not understand to be converted, and healed.* God avert the *Omens*, whose Mercies are infinite; and may the Intercessions of our Saviour prevent the deserved and provoked Curse.

THE

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Concluſion.

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VII.

THE RIGHTS, LIBERTIES, AND AUTHORITIES OF THE *Christian Church*,

Asserted against all *Oppressive Doctrines*, and *Constitutions*.

Occasioned by Dr. *Wake*'s Book concerning the *Authority* of *Christian Princes* over *Eccclesiastical Synods*, &c.

PART II.

In examination of the *Synodical Histories*.

By *SAMUEL HILL* Rector of *Killmington*.

P. Felix III. *Epist.* I. *ad Acacium. Constantinop.* Error enim, cui non resistitur, approbatur; & veritas, quæ minimè defensatur, opprimitur.

Epist. Cleric. Italicor. ad Legat. Francor. ap. Concil. Collect. Reg. Tom. XI. *p.* 659. Sunt Græci Episcopi habentes divites & opulentas Ecclesias, & non patiuntur duos Menses à rerum Ecclesiasticarum Dominatione suspendi. Pro quâ re, secundùm tempus, & secundùm voluntatem Principum; quicquid ab eis quæsitum fuerit, sine altercatione consentiunt. *Compare these with those under* H. VIII.

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A PREMONITION TO THE READER.

IN *the* former Diviſion *we have very particularly enquired into all the* Articles *and* Principles *of the* Doctor, *and their* Reaſons, *together with the* Senſes, Conſtitutions, *and* cuſtomary Practices *of the* Ancient Church *upon them. And we have not as yet diſcovered any* fair Reaſon, *or* apparent Law, Natural, *or* Poſitive, Divine, *or* Humane, Canonical, *or* Civil, *on which he has, or might have founded theſe* Aphoriſms, *or* Articles *of ſo* deſpotic a Supremacy *in* all Chriſtian Princes, *as* ſuch. *We are now to proceed to the* ſecond Subject *in the Doctor's Book, namely the* Particular Inſtances of Facts, *which he has heaped up together out of the* Synodical Hiſtories; *which, ſince they have no* extant Law *to be* explain'd, corroborated, *or* enforced *by them, can have no other Uſe in Proof of theſe his* Articles *for* Regal Power, *but that of* Preſcription. *To the full Evi-*

ction where of, 'tis not ſufficient from Particular Inſtances *to conclude* only *for a* Capacity *or* Aptitude *of ſuch* Rights *and* Powers *in* other like Perſons *or* Princes, *for This alone, inſtead of proving* ſtrict Right *and* Property, *does indeed moſt effectually diſprove it. For if I am any wiſe proved only capable of an Eſtate,* Power, &c. *this Proof ſuppoſes me not inveſted in an* actual Title *to, or the* Tenure *of what I am only proved fit for. When therefore men inſtance in foreign Emperors, and Princes* Rights *or* Facts, *in order to* Preſcription of Right *for ſome Particular Prince, not ſucceeding from, nor depending on them; they ſeem to undertake an impoſſible task, the utmoſt* ſuch Inſtances *can argue, amounting only to the proof of an* Aptitude, *that 'tis fit* one Prince *ſhould have this* Right *as well as* another, *upon the* ſame common Reaſons *of their Government; but not that he actually* has ſuch Right. *Nor can* bare Inſtances alone *prove* Aptitude; *but the* Reaſon *and* Equity *only, on which ſuch* Inſtances *are juſtifiable. He then that will preſcribe for a Title or Tenure, muſt found it upon ſome ſuppoſed* Conſtitution, *and derive it to him by a* Succeſſion *to* thoſe Predeceſſors, *who had it before him, even back up to the* firſt *(tho' unknown, and immemorial)* original. *For* France *cannot preſcribe from* Spain, *nor* Spain *from* Britain, *nor any other* independent *or* underived States *from their* Neighbours, *nor indeed from the* Roman Empire *it ſelf, to which they ſucceed not by the* Roman Conſtitution, *tho' they do in the poſſeſſion of their Countreys upon the* Ruins *of that* Empire. *Tho' therefore* theſe Princes *may have much imitated the Forms and Practices*

of

of the former Empire, or one another ſince, yet ſtill they cannot Preſcribe Right *from* thoſe Emperors, *nor* thoſe Princes, *from whom they derive not a* ſucceſſive *and* continuing Authority. *Wherefore all the Doctor's* Inſtances *from the* Empire, *and ſince* that, *from our* neighbouring Nations, *are utterly inſufficient to* preſcribe *for our King's Supremacy*; *becauſe our King's* Tenure, *and* Title *is from none of them, but ſubſiſts only by a domeſtic Conſtitution, upon which all our* domeſtic Judgments *at* Common Law *are founded. Nor does the* ſecond Canon *import ſuch* Preſcription. *It declares for the* ſame Authority *over* Cauſes Eccleſiaſtical *in* our Kings, *which* Godly Princes *obtained among the* Jews, *and* Chriſtian Emperors *in the* Primitive Church; *but the* particular form of Tenure *it aſſigns not, and therefore not* that *of* Preſcription; *for* our Princes *cannot be ſuppoſed to hold, and derive their* Authority *in* Eccleſiaſticals *from the* Godly Kings *of the* Jews, * *tho' they have the* ſame Authority; *and conſequently neither do they* derive, have, *or* hold *it from the* Emperors *by* Preſcription; *but the* general Part *by the* Fundamental Laws, *and* Rights *of* Civil Sovereignty, *and the* particulars *by our* original *and* domeſtic Contracts *and* Conſtitutions; *ſo that here is no place for the* Plea *of any* Imperial, *or* Foreign Preſcriptions *for the* Crown *of* England; *and conſequently the* two firſt Chapters *of the Doctor's Book are abſolutely, and entirely* Impertinent *to his* Purpoſe *for* this Crown. *And yet ſuppoſing that* theſe Kingdoms, *riſing out of the* Ruins *of the* Roman Empire, *could have* preſcribed *from it, yet thoſe* barbarous Nations *of* Scythia;

*Yet ſome Thoughts teach thus.

thia, Ruſſia, Bulgary, &c. *which received* Chriſtianity, *could not* preſcribe *for the* Supremacy *of their* Chriſtian Princes *from that* Roman Empire, *to which they never ſucceeded*; *and conſequently no* Right of Preſcription *can be* derived *from that* Empire *to all* Chriſtian Princes. *So that* ſuch Princes, *who have*, *or had no* derivative Right *of* Synodical Supremacy *from that* Empire, *muſt hold it*, *and all the* Articles *and* Aphoriſms *thereof*, *by ſome* other form *of* Tenure. *If then the* Chriſtian Princes *of* Scythia, Ruſſia, *and* Bulgary, &c. *had all the* nine Aphoriſms, *and the* above diſcuſſed Articles *of* Synodical Supremacy, *by* what Tenure *were they thus entitled? For here is no* Imperial Preſcription; *and if the Doctor can aſſign* any other Rule, *it muſt be either* Particular *to* thoſe Barbarians, (*and which therefore requires particular* Allegation, *and* Proof) *or elſe it muſt be* common *to* all other Chriſtian Emperors *and* Princes, *which alſo muſt be produced*, *and when it is ſo*, *then it vacates*, *and nulls all* Plea *of* Preſcription, *which lies not*, *where there is any* extant Law; *ſo that the Doctor ſeems to be got into an inextricable nooſe of his own contrivance*, *out of which if he can diſengage himſelf fairly*, I *ſhall have great Reaſon to admire his dexterity.*

But ſuppoſe the Acts *and* Practices *of* Chriſtian Emperors, *and* other later Princes *of the neighbouring Nations could by ſome* univerſal Comprehenſiveneſs *and* Derivation *Preſcribe for* our Kings; *yet there actually muſt be* ſeveral Particularities *concurring to a* valid *and* obligatory Preſcription. *For there muſt be a* perfect *and* conſtant Uniformity *in* thoſe Acts *and* Practices

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picious *Inſincerity in Mens* pretenſions, *formed on purpoſe to allure a* good Opinion *and* eaſie Reception. *And therefore* Facts, *whoſe* Hiſtory *is not* abſolutely certain, *and which, being of* ambiguous *and* ſuſpicious tendency *in themſelves, are juſtifiable by* no other Rule *than the* Pretenſions *of the* ſuſpicious Agent, *cannot* validly preſcribe *for* Juſtice, Authority, *or* Right. *Yet ſuch as they are, and as they are reported to us, ſo we muſt take them, whether they conclude more, or leſs; and he that will be juſt, muſt be content with what is extant, notwithſtanding the* Notoriety *of* many Defects, *which are now uncapable of a ſure and juſt Supplement; which therefore we muſt not attempt by* Inventions, Gloſſes, Additaments, Diminutions, *or* Concealments, *&c. but letting every thing have its* full apparent weight *and* force, *leave the reſt, that is in the dark, to its own* obſcurity, *till the* laſt Revelation *of all things.*

For the more convenient advantage of which enquiries, I ſhall conſider the chief Inſtances *producible of* both ſorts *of* Eccleſiaſtical Synods *for ſeveral Ages under the Reigns of* Chriſtian Emperors *and* Princes; *I mean, both ſuch as were called, directed, confirmed, or rejected by* ſuch Princes, *and* thoſe, *in which* Princes *interpoſed not at all, or but in Part only; and ſhall as carefully look into the diſtinctive* Forms *and* Reaſons *of them, as I can; or as far as I think neceſſary to the diſcovery of* Right. *Wherein I ſhall not promiſcuouſly range them thro' all Countreys, according to their ſeveral Ages, as they are in the Volumes of the Councils; but will firſt go down with thoſe of the* Roman

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and Greek Empire, *and after that, thro' each of the* Europæan Nations, *finally concluding with that of* our own. *Nor farther will I be obliged to a* critical Chronology *of their ſeveral* Dates, *this not being my buſineſs, but ſhall generally follow thoſe ſet at the head of each* Council *in the* Paris Edition 1644, (*as having none other by me*) *except where my very Deſign may poſſibly require ſome Correction.*

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THE RIGHTS, LIBERTIES, AND AUTHORITIES OF THE *Christian Church*,

Asserted against all Oppressive Doctrines and Constitutions, *&c.*

PART II.

I. *Of the Council of* Rome *called by* Constantine the Great, *in the Cause of* Cecilian *Bishop of* Carthage, *Anno Christi* 313.

THE first Christian Emperor, whose Practice is alledged for the Regal Supremacy, and particularly over Synods, is *Constantine the Great*; in whose Reign there were several memorable Synods, upon signal occasions, recorded in History, beside such as were of ordinary and constant Polity. Of these some

some were called by the Emperor, others not; and therefore they must be considered separately according to this distinction. Now of those which he called, the two first were in the Western Part of the Empire, upon the first occasion of the *Donatist Schism*, thro' the Election of *Cecilian* to the Bishopric of *Carthage*; and of these two the former was held at *Rome*, the latter at *Arles*; in which to our purpose we are to observe the Order set us by the *Doctor*, enquiring into, 1st, what *Constantine* did before their Sessions, 2dly, what in them; and 3dly, what after them.

(1) *Eus.* E. H. l. 10. c. 7.

(2) vid. *Resp. Anulin.* ad *Imp.* ap. *Conc. Rom.*

Now upon the *Donatists* pretended Deposition of *Cecilian*, and ordaining *Majorinus* to the See of *Carthage*, (the Chiefest of all the African Sees) the Communion being hereby broken, the Dispute arose, to whether Party the Care of Souls, and the Use and Emoluments of Churches should appertain; and the contention hereupon grew Public. It cannot be imagined, that this *Ecclesiastical Discord* could be carried on without breach of the *Civil Peace*, while both Parties strugled for the occupation of Churches, and their Appendages. And such immorality, not only in it self, but also because of its dangerous tendencies, was a proper object for the Care of the Magistrate, tho' he had been absolutely Heathen. Now *Cecilian*, having been first quietly ordain'd, and in possession, was before acknowledged the Proper Bishop by the Universal Church; and thereupon the Emperor writes to *Anuline* the *Proconsul* of *Africa*, to give several favours and immunities to the Catholic Church, of which *Cecilian* was Bishop, (1) and withal to mediate a Reconciliation of the Parties. (2) This being set on foot by the *Proconsul*, the *Donatists* present him with a *libel* of pretended Crimes against *Cecilian*, and a *Petition* to the Emperor for his Assignation of some *Gallic Bishops* for Judges, and hereby prevail with *Anuline* to send them themselves (the very Bearers) with these their Instruments to the Emperor. This Application the Emperor took very ill, saying to them, *Do ye desire Judgment of me, who my self expect the Judgment of Christ?* And yet however he gave them Judges, (3) *Miltiades* (alias *Melchiades*) Bishop of

(3) *Optat. con. Parmen.* l. 1. Nam quod de nobis dicitis; *Quid Christianis cum Regibus? Quid Episcopis cum Palatio?* Si nota est nosse Reges, vos tota perfundit invidia. Nam majores vestri, Lucianus, Dignus, Nassutius, Capito, Fidentius, & cæteri, Imperatorem

Constantium harum rerum ignarum his precibus rogaverunt. *Rogamus te, O Constantine, optime Imperator,——Petimus, ut de Gallia* (where there had been no Persecution) *nobis judices dari præcipiat pietas tua.*—Quibus lectis Constantinus pleno livore respondit; *Petitis â me in seculo judicium, cum ego ipse Christi judicium expecto?* Et tamen dati sunt Judices! *&c.*

Rome

Rome with three *Gallic*, and fifteen *Italic* Biſhops named by *Optatus*, who by the Emperor's Order convened, and ſate at *Rome*, and judged upon this Cauſe in favour of *Cecilian*. In which Tranſaction we are to conſider firſt, the *Mediatory Interpoſition* of the Emperor by his Proconſul *Anuline*; 2dly, the *Complaint* and *Petition* of the *Donatiſts*; 3dly, *Conſtantine*'s *Conceſſion* to their requeſt; 4thly, the *Obedience* or *Submiſſion* of the *Catholic*'s herein; 5thly, the *Authority* of the Judges. Firſt then concerning *Conſtantine*'s mediation interpoſed by *Anuline*, we are to note two things, the *Motives* and the *Form* of it. And firſt of all as to the *Motives*, it muſt of neceſſity be, that he had notice of a *Schiſm*, tho', as *Optatus* ſays, he was yet ignorant of the Particularities in diſpute, and the bare general Senſe of ſuch a *Schiſm* was in it ſelf alone a juſt motive to *condolence*, and thereby to *mediation*, which was an office rather of perſonal *Charity* than *Empire*, as proceeding from a ſympathy for their Souls. But if he knew of any diſturbances againſt the *Civil Peace*, occaſioned by ſtruglings for the Churches, *&c.* then, as their Common *Civil Parent*, he ought hereby ſoftly hope to heal the breach, and in gentle ways provide for the common tranquillity, all which, either *Perſonal* or *Regal*, Kindneſs might have been performed by an *Alien Prince*, except perhaps only in the ſympathy for their Souls. But 2dly, Hereupon the *Donatiſts*, in ſtead of accepting *Mediation*, deſire *Judges* and *Judgment*, and for theſe apply themſelves to him as *Emperor*, not as *Mediator*; but this not upon any *Principles* of any his *Imperial Right* herein; but upon *Policy* and *Wiles*, to involve the Catholic's, and compaſs the *Secular Intereſt* againſt them. This appears from this Indication, that being defeated in their ill conceived hopes, then their Clamour was, *What have* Chriſtians *to do with* Kings? *What* Biſhops *with the* Palace? And for this enſnaring Deſign a fair overture was preſented them by this *Mediation*, on ſuch a form of Argument. *Sir, you require us to accord with our Adverſaries; we deſire you firſt to aſſign us foreign and diſintereſſed Judges to inform you, and clear this Cauſe.* Thus *wicked Schiſmatic*'s began the invidious Practice of applying to *Secular Powers* againſt the Church; whereas the Church had attempted no ſuch thing againſt them, tho' beſide the *Eccleſiaſtical Crime* of *Schiſm*, 'tis probable they had broken the *Civil Peace* alſo in conteſt and contention for it. This then was a *ſpecious*, but *unexpected* form of Reply upon *Anuline*'s Mediation enjoyned by the Emperor. And therefore

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we are more closely to look into the Sense and Conclusion of the Emperor hereupon. And first he severely rebukes the Application as impudent, that *he should assign Judges to the Church, who himself waited, or expected God's Judgment*, which plainly discovers that he judged the Proposal irregular, and immodest: but yet 3dly, he however yields to the offensive Importunity. This looks odd, and seems to render the *consistency* of the Story, or the *Constancy* of *Constantine* suspicious. Now the great lenity and flexibility of his temper, which in other Instances betray'd him to some unsteddiness, would tempt one to believe him so unsteddy in this, were it not fairly accountable for upon Rules of human Wisdom and Condescension, and what the Greeks in such irregular Cases call *Oeconomy*, by which he hoped to conclude them, even in their own way, more effectually than by Canonical Methods. The *African Church* her self used several such methods to reduce them, which differ from the Catholic Rule and Custom, and then easily might the unexperienced Emperor think it fit Policy so to do; since even God himself *œconomically* yielded several matters to the *Jews*, as *Divorces*, and *Kings*, meerly in Compliance to their perverseness, and to heal it the more effectually; only *Constantine* seems not in these matters to have had so fair a Right of introducing new Methods (in dispensation with the old) in matters Ecclesiastical, as the Church herself had, which therefore might acquire their *validity* by the Compliance of the Catholic Party; for if a man be cited to answer in an *incompetent* Court, and he offers no *plea* to the *Jurisdiction*, but admits and submits to the Process; he himself by that admission makes the Process, and the Sentence of it *valid*. So that the 4th thing to be look'd into is the *Submission* and *Obedience* of *Cecilian* and his Catholic Party hereto, whether they voluntarily consented to this Proposal on their Part, and so *affirm'd* the *Judicatory*, or whether the Imperial Decree ordain'd it without any their prævious consent? that is in short, whether they obey'd upon *Contract*, or *meer Imperial Precept?* And truly we have no account of any *antecedent Treaty* with the Catholic's for their *Consent*, but upon the bare request of the *Donatists* out comes an *Imperial Citation* for *Cecilian* and ten of his Collegues, as well as for so many of the *Donatists*, * to appear at *Rome*

* *Because it was rather a design of* Mediation *than* meer Judgment, *or* Judge, *in which mens numbers of witnesses are not to be stinted by the* Prince.

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to be judged, to which the Catholic's ſubmitted without any Remonſtrance to the Juriſdiction. And this there were many reaſons to encline them to, the *Confidence* of their own Cauſe, and the *Integrity* of the Judges, the *Benevolence* and *good Opinion* of the Emperor, which a refuſal would very probably have forfeited to very dangerous Conſequences, an *ardent Love* of *Peace* and *Compoſure*, &c. All which were ſtrong motives to abate of Canonical Exactneſs, and to ſubmit to a *Tribunal*, which appear'd *equal* enough, tho' not *Canonical*. Now that *in Fact* they ſubmitted without any bogling, is manifeſt, but the reaſons thereof are not ſo. In Courts, where *Pleas* to the *Juriſdiction* are ſafe, and allow'd, the *not offering* any ſuch *Plea* is a *conſent* to, or *acknowledgment* of the *Juriſdiction*; but where the Power is irreſiſtible, and will admit no *ſuch Pleas*, there a *Submiſſion* imports no ſuch *conſent* or *acknowledgment*, and ſo neither gives, nor affirms *Authority*, or *Right of Juriſdiction*. So here it cannot clearly be determined, whether the Catholics ſubmitted to the *undeclinable Power* of the Emperor thro' *meer Fear*, *meer Choice*, or *meer Duty*. *Meer Fear* had been *no proof* of *due Authority*; *meer Choice* had *given* Authority; *meer Duty* had *preſuppoſed* and *acknowledged* it. It will then be the *Doctor*'s part to prove, that they ſubmitted of *meer Duty*, and in *dutiful acknowledgment* of that *antecedent Right* and *Authority* in the Emperor, if from hence he will preſcribe for ſuch an Authority in all Chriſtian Princes in the like Caſes. This I ſay he muſt prove, and prove it by ſome public Rule, and not expect that I, or any man is bound to *grant*, or *ſuppoſe* it; for *Submiſſions* are as well made to *Violence* as to *Right*, and by *Prudence* and *Contract* as well as *Duty*. But ſuppoſing for a while, or fancying, that they ſubmitted in *Duty* to the *Imperial Right*, what ſhall be deduced hence? why more than perhaps the *Doctor* is aware of, *viz.* that if a Prince reigns over ſeveral Provinces, and a *Schiſm* ariſes in one againſt the *Canonical Settlement* of a Biſhop, confirmed by the Biſhops of his own Province, and received thereupon by all the Catholic Biſhops of the world, at the complaint of the *Schiſmatics*, and a Petition for unconcerned Judges, ſuch Prince may make his Biſhops in one Province Judges over thoſe of the other, as *verbi gratiâ*; ſuppoſe an Arch-Biſhop of *Canterbury* lawfully ſettled and acknowledged by all the Biſhops of this Province, and ſo by all the other Churches in the world; and againſt this Settlement ſome *Schiſmatics* dividing from him, ſhould except

except against his Constitution, and desire Judges of the King; the King on this Instance may chose and assign Judges upon this Arch-Bishop and all his Colleagues, out of the Province of *York*; which I suppose would not be thought very Canonical without the consent of the Arch-Bishop, and his Colleagues. But if in this business of the Council at *Rome* the *Consent* or *Compliance* of the Catholics *founded*, or *contributed* to the *Right* of *Jurisdiction*, then the *Jurisdiction* extended *as far* as they had *consented*, and no farther: and this brings us to the fifth Consideration, what Authority these Judges had. First then they had an *Imperial Authority* to *hear* and *judge* the Cause upon the *Appearance* and *Pleading* of the Parties; but upon *non-appearance*, and *refusal to plead*, here appears none at all to condemn both, or either Party in a *Canonical Censure*, either upon their *Cause*, or *Contumacy*, &c. The Emperor indeed might have *secularly* punished the refusal by his *uncontrolable Domination*, and that is all that can be affirmed, the *African Church* not being *Canonically subject* to any *foreign Synod*. Nay, if we may judge of the Churches Immunities herein by those claimed of the *Donatists*, the *African Catholics* could not without their own engagement be obliged to stand by the Judgment. For the *Donatists* did not stand by it, and consequently had not before bound themselves to stand by it; for then they could have had no plea for their refusal; nor against this refusal is any thing argued from the *validity* of the *Jurisdiction* upon the *Imperial Authority*, but only stubborness is objected, for not acquiescing in a Judgment which themselves desired. And hence we may safely conclude, that the *Catholics* were no more bound by *meer Imperial Authority* than the *Donatists* to abide by the Judgment, had it gone against them. What then could the effect of such Judgment be? Why truly none at all in it self. Only the Emperor following that Judgment might have under *temporal Penalties* required the condemned Party to quit the Churches and Church-houses, *&c.* by an *Imperial Domination*, which since they might yield to, without injury to their Conscience, and *such yielding* had been necessary to the *Civil Peace*, they ought cheerfully to have submitted to the injury, not in *Conscience* to the *Imperial Right*, but the *Laws* of the *Cross* and Christian Patience. And therefore had the *Donatist* cause been otherwise good, yet the Churches, *&c.* having been by the Emperor assigned to the Catholic's, the violences and seditions, which they used for the seizing and

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keeping them, *&c.* were extremely Criminal and Unchristian. Further than this they could not have been bound without their own *Consent*. But had they bound themselves to abide by the Judgment under any *Particular Penalty*, then had they been subject to *such Penalty* only; if without any expres *Penalty*, then would the refusal have of right made them obnoxious to that which the *Greeks* call ἀκοινωνησία, that is, a *Repudiation from fraternal Communion*, the form of which was, to send the *Party Repudiated* notice, *that he be content with his own Communion*; which is a privative Punishment, which equal Bishops and Churches may upon just Causes pass one on another; but farther the Council of *Rome* could not have gone, by their own *meer Ecclesiastical Authority*, against the Catholick Bishops, upon refusal of their Sentence before consented too. And it must farther be noted, that this Repudiating Power appertain'd not to them *as Imperial Delegates*, on *his* Original Authority derived to them by his Commission, but on *their own as Bishops*, and *a Synod of Bishops*, to whose Judgment both Parties had referr'd their Causes; for upon such a *Reference* made without any *Imperial Interposition*, such a Synod might have punished the contempt of their Sentence with an ἀκοινωνησία, or *Repudiation*.

Perhaps 'twill be objected, That the Cáuse being *Ecclesiastical*, no *consent* ought to have been given to such an Intrusion of *Imperial Power* against the Canons, at the request of *Schismatic's*. And this I should easily have granted, had not the *Civil Peace* been concern'd, and if the Emperor could not have contributed to the Rights of the Church. But where the Churches Rights cannot be secured from *Corporal Violence* and *Oppression* without succour from the *Civil Powers*, in order to the obtaining That, it is reasonable that the Church should allow them *to that end*, to either judge of those Rights themselves, or assign such Judges, upon whose Judgment they may rely, in order to *grant* or *deny* such *Civil Support*; and, after such reference made *to such ends*, they ought to bear the *Civil Determination* of those Powers, though they lose such exteriour Rights and Privileges thereby, without any Mutinies or Seditions. Upon the whole, all that the Emperor did as to this Council, was the calling of it at the *importunity* of the *Donatists*, which he however condemn'd himself; he neither *Sate*, nor *Presided* in it, neither *Confirm'd*, *Rejected*, *Annull'd*, or *Suspended* their Acts, or Sentence,

which therefore was *valid*, or *null* upon some other bottom. So that no *exemplary form* of Argument can be drawn from this Instance, but that Princes, whether Baptized or Unbaptized, may assign unconcerned Bishops for Judges, in a cause of *Schism* against Bishops within part of their Dominions, at the Instance or Request of the *Schismatics*, and that such assigned Judges may, if they please, convene on their Princes Precept, and judge the Cause if the *Litigants* will bring it before them; all which was in *fact* here done, and never condemned after by the Church; but it cannot conclude, that though assigned Judges must, in *Conscience* to the *Imperial Jurisdiction* or *Authority*, assume the Judgment, nor that the *Litigants* must by the *same Conscience* bring their Cause thereto, no, nor that *Princes* may *ex officio mero* call *such Benches*; but only at the *Instance* at least of *one Party*. And this is much to be observed in Government, that there are Causes, which are of the *Crown*, and such as it is the proper business of the King to enquire into, and bring to Judgment, such as are Causes *Criminal* against the Peace and Laws of it; but meer *Personal Differences*, and *Private Rights* the Prince has no Right to interpose in, but at the *Instance*, and *Prosecution* of at least *one* of the Parties; nor do they ordinarily judge the Cause without the Apperance of the other, thereby making himself Defendent, though they punish his *contumacy* for *not appearing*. And surely *Ecclesiastical Differences*, in themselves, without any *Civil Ruptures*, or *Instances* of Prosecution, may very well be ended at home in the Church without troubling Princes, or Princes troubling the Church, or themselves, *ex officio mero*, to which I do not see that they belong, since even *Constantine* condemned the very *Instance* of the *Donatists* made unto him, though it were but to *assign* foreign Bishops in a *Cause Ecclesiastical*, and to which he yielded only for the hardness of their Hearts.

II *Of the Council of* Arles *on the ſame Cauſe,* Anno Chriſti, 314.

THe *Donatiſts*, being caſt in the Council of *Rome*, did not only not acquieſce in this Judgment, and commit many Immoralities againſt *Cecilian*, and the Catholicks, but appealed againſt the Sentence of this Council paſt in favour of *Cecilian*, complaining that the Judges were too few, and the Cauſe not throughly diſcuſs'd. As to the Paucity objected, That in Law came in too late; for that Exception ought to have been made before hearing, not after; The other only was the fair (had it been a credible) pretence. But ſuch credit is not to be eaſily given to Perſons caſt, without a very particular *ſpecification* and *averment*; becauſe it tends to the perpetuating of Conteſts for ever. And truly *Conſtantine* was as much offended at *this Appeal*, as he was at the *firſt Inſtance*, looking on it as heatheniſh and bold. (1.) And had he acted properly as a Sovereign, he had given no Ears to the Clamour, but his deſign being not ſo much *Judgment* as *Mediation* and *amicable Compoſure*, he gives place to the ſecond Importunity, which he though *Politick* and *Oeconomical*, but thereby was himſelf entnared. For firſt by this eaſineſs *Donatus* obtains his Requeſt to go home to *Afric*, but after his diſmiſſion *Cecilian* was at the ſuggeſtion of the Donatiſt *Philumenus* detained at *Breſſia*, where he was determined to hear it himſelf, having changed his reſolution of hearing it in *Africa*, becauſe of the turbulancy of the *Donatiſts*. This being done, the ſame *Philumenus* prevails with the Emperor to ſend two Biſhops, *Eunomius* and *Olympius* to *Carthage*, to remove both *Cecilian* and *Majorinus* too, and to ordain another, cutting the knot they could not untie; but theſe by a diligent enquiry, notwithſtanding all the oppoſition of the *Donatiſts*, finding that the Catholick Church adhered to *Cecilian*, aſſert and ſecond the Sentence of the *Roman Council*.

(1.) *Optat. con. Permenian. l.* 2. Donatus appellandum eſſe ab Epiſcopis credidit, ad quam appellationem Conſtantinus Imperator ſic reſpondit; *O rabida furoris audacia! ſicut in cauſis Gentilium fieri ſolet, appellationem interpretati ſunt.*

(2) *Optat. l.* 1. *Conſt. in Epiſt. ad Epiſcop. Brix. convocat. Tom. l. Concil. p. ult.*

(2) However on this experienced eaſineſs of the Emperor the *Donatiſts* commit many vile outrages, which made the *Proconſul Ælafius* (*al. Ælianus*) to call that matter to his own Judgment in order to ſettling the *Civil Peace*; and withal by their perpetual Clamouring extort from the Emperor a larger Council to be held at *Arles*, hoping thereby to attain that Peace, which he could not do by his own Perſonal or Imperial Methods. This Council he convened by *Precept* from moſt parts of the Weſtern Church. Of which we note, 1*ſt.* The *Motives*, which he declares were *a Pious Care againſt ſuch Diſſentions, and a fear of God's Indignation on the neglect of them*; (3.) which plainly ſhews, that they were very monſtrous and intolerable in a *Civil State*. But *Secondly*, the *form* by which he convened them was *Preceptive* *; but whether of *right Domination*, or only *Invitation* is not very certain. The Precept appears not to have been *ſub pœna*, but *ſimple* only, which therefore the Synod it ſelf calls an *Invitation*; (4) not but that he could have added *Penal* Threats unto the Contumacious, but he did not, becauſe the *Form* was indecorous toward Biſhops, as importing a ſuſpicion of Contumacy, or other Pravity, and not ſo ſuitable to the pacifick forms of *Mediation*, which was the chief Deſign herein. And hereunto it is obſervable, that the Synod in their Epiſtle to Pope *Silveſter* ſays, That *had he been there, a ſeverer Cenſure would have paſt upon the Donatiſts*, and yet his Repreſentatives being there, one may a little wonder at this Expreſſion. For 1*ſt.* either he was called in *Perſon* or not, if ſo, why came he not if the *Precept* were *Authoritative?* How could it excuſe him to ſend Repreſentatives? If not called, how could he, upon the Doctor's Principles, ſend Repreſentatives to ſit in his Right and Name? Or how could the Synod have wiſhed for his Preſence, on which the Cenſure of the *Donatiſts* had been greater,

(3.) *Epiſt.* Conſt. M. *ad* Ælaf. *ap* Conc. Arelat. Tom. II. *p.* 24. *Confiteor gravitati tuæ, quod nequaquam fas eſſe ducam, ut ejuſmodi contentiones, et altercationes diſſimulentur a nobis, ex quibus forſitan commoveri poſſit ſumma Divinitas, non ſolum contrà humanum genus, ſed etiam in me ipſum, cujus curæ nutu ſuo cæleſti terrena omnia moderanda commiſit, ut ſecus aliquid hactenùs incitata decernat.*

* ἐκελεύσαμεν *Ep. Imp. ad Chreſt. Euſeb.* 3. *Hiſt. l.* 10. *c.* 5. *vid. tot.*

(4) *Epiſt. Synod. ad Silveſt. ad quæ fueramus invitati*, which I obſerve many times to be expreſſed by κελεύειν, as well as παρακελευεῖν.

greater, (5) had they been only of Counſel *to*, or Authoriſed *by* the Emperor? Which argues, that the Precept was no more than *Hypothetical* upon all the Biſhops to come in *Perſon*, if they could conveniently, or that ſuch was the peculiar Precept to the Biſhop of *Rome*, with liberty to ſend Repreſentatives, (a Privilege not allowed unto *Chreſtus* of *Syracuſe*, by any expreſs terms in the Imperial Mandate) or that he was not called at all, which yet the wiſh of the Synod, and the hindrances they mention from the occaſions of his See, will not eaſily permit us to believe. Upon all which I am inclined to believe, that the Letters of Convocation were of the ſame form to all, and that, notwithſtanding theſe, any Biſhop, having great occaſions at home, might abſent of Right, and ſend *Deputies*, as the Biſhop of *Rome* did, which the Emperor could not of Right reject; and that any Biſhop, though not called, might have come of Right and ſate with his Brethren, his particular calling of ſome not importing a Right of excluding any other. After the *Calling* come we to the *Seſſion*, in which we find no *Imperial Preſidence*, *Preſence*, or *Interpoſition*, no *Reſtrictions*, nor *Licenſes*; but as they aſſumed the Judgment by the Emperor's Order, and on the appearance of the Parties; ſo they made their *Canons* of their own mere motion, and did all by their own ſacred and Canonical Authority, (6) In the Name of God, *&c.* condemning the *Donatiſts* of *Schiſm*, and ſentencing them to an ἀποκοινωνησία, or a repulſe from the *formed Communion* of the Church, by their *Divine Authority*, as well as Ordaining Canons by the ſame, which were received by the Weſtern Church without any *Imperial Propoſal*, *Licenſe*, *Confirmation*, or *Annullation*, upon the tranſmiſſion of them by the *Roman Biſhop*, according to the Injunction laid on him by the Synod. If then a Synod extraordinary, called by the Emperor upon a deſign of *Mediation*, had ſuch Superiour, Independent, and Divine Powers in paſſing Canonical Cenſures and Ordinances, how much more have the ordinary Synods theſe

(5) Ibid. *Et utinam, frater dilectiſſime, ad hoc tantum ſpectaculum intereſſe tanti feciſſes, profecto credimus, quia ni ees ſevevior fuiſſet ſententia prolata, et te pariter nobiſcum judicante——— ſed quoniam recedere a partibus illis minimè potuiſti*, &c.

(6) Ibid. *Quos et Dei noſtri preſens Auctoritas et Traditio, et Regula veritatis ita reſpuit——— deo judice Deo, et matre Eccleſiâ, quæ ſuos novit et comprobat, aut damnati ſunt, aut repulſi.*

Powers, in which Princes ſeldom interpoſe, and have no right to obſtruct? So that this Inſtance, as it favours only one of the Doctor's Propoſitions of Right, *viz.* That Princes may call Councils, eſpecially of an extraordinary Nature and Deſign, ſo it diſproves almoſt (if not altogether) all the reſt. But let us ſee what the Emperor did after all the Acts and Concluſion of the Council at *Arles*; for ſtill the *Schiſmaticks* made an ill and vexatious uſe of his Temper. For being not ſatisfied with the Sentence of this Second Council, they appeal again, and crave the Perſonal Judgment of the Emperor, and his Conſcience, like Men after Dr. *Wakes* own Heart. But at this the Emperor was more highly offended than ever, if that Letter of his to the Biſhops (affixed to this Council out of *Pithœus* his Sheets) be genuine. I know ſome call it in queſtion, and almoſt condemn it for a Forgery, though for no other reaſon, but the exceſſive eſteem of the Epiſcopal Sanctity, Eminence, and Authority profeſſed in it, though theſe are elſewhere to be known the true, proper, pious Sentiments and Notions of this Emperor, allowing however to every Man his freedom, I ſhall recite ſome ſtrokes of it relating to our purpoſe. *The* Donatiſts, ſaith he, *require my Judgment, who my ſelf expect the Judgment of* God. *For I ſay, as the Truth is, that the Judgment of the Prieſts ought to be ſo accounted, as if the* Lord *himſelf had ſate and judged.* † *For it is not lawful for them to think or judge any thing, but what they have been taught by the Inſtruction of* Chriſt. —— *The* Donatiſts *ſeek things Secular, leaving things Heavenly.* ——

† Ay! what if their Authority had been only from *Conſtantine.*

The Heathens *indeed, ſometimes refuſing leſſer Judgments, are wont to appeal to greater, by the Interpoſition of Authority: What! have theſe Detractors of the Law (who refuſing the heavenly Judgment, have thought to demand mine) ſuch Apprehenſions of* Chriſt the Saviour? —— Yet notwithſtanding this Piety of Senſe, his Lenity and hope of Peace bowed him down to various Inclinations, ſometime to aſſign a new hearing at *Rome*, ſometime to hear them himſelf in *Africa*, and at laſt he finally at *Milan* aſſumes the Judgment, and paſſes it in favour of *Cecilian*, of which Judgment the *African Church* had no very Canonical eſteem, but rather excuſed them upon *Neceſſity*, than aſſerted

ſerted them upon *Rule*. (7) All whtch put together makes but *odd Figure* for a *good Examplar*, ſince *Schimathcks* began the *uncanonical Inſtances*, and made their *uncanonical Appeals* to *improper Audiences*, which were granted, not as *Regular* but *Oeconomical*, not as *Canonically Authoritative*, but *morally expedient* and *mediatory*, the effects of a baffled Benevolence and Diſcretion, not of ſolid and due Conduct, ſuch as did neither ſilence the *Donatiſts*, nor benefit the *Catholicks*; but emboldening the *Schiſm* to greater Violence, expoſed the Church to far greater Calamities, and Perſecutions, in which the fatigu'd Emperor left them, with Conſolatory Exhortations unto Martyrdom, and patient dependance upon God, ſince he knew not how to relieve them. (8) Whereas had he not liſtned at all to their pretended Complaints, but left the Catholick Church to her own forms of Conduct, 'tis probable, that the uncountenanc'd *Schiſm* would have ſoon expired, which now ended not till the utter Exciſion of *Africa* by the *Vandals*. So miſchievous are the little and irregular (though well meant) Cockerings and Tamperings of Kings with *factious* and *Fanatical Schiſmaticks*, upon a fancied Victory over their tired Levity; of ſo inauſpicious a Proſpect are ſuch *uncanonical* and *interloping* Offices in the Politick Eccleſiaſtical.

(7) Concil. Carth. univerſ. ſub Aurel. & Silvan. ap. Collat. Carthag. ſub Marcellin. Geſt. 1mæ Cognit. cap. 55. *Quanquam cauſa Eccleſiæ Catholicæ——In Africa adverſus Donatiſtas etiam Eccleſiaſtico atque Imperiali judicio, ſicut oportebat vel neceſſe fuerat, terminata ſit*, &c.

(8) *Epiſt. Conſt. M. ad Epiſc. Africam. & Pleb. Eccl. Cathol ap Optat. Edit. Paris* 1631.

III. *Of the firſt General Council of* Nicæa, *or* Nice, *Anno Chriſti*, 325.

FRom the *Weſtern World*, and *Donatiſt Schiſm*, paſs we to the *Eaſt*, and the *Arian Hereſie*, and conſider thereupon the Tranſactions of the ſame Emperor *Arius* then being condemned at home by a Council at *Alexandria* of about an 100 Biſhops, flies for refuge to *Paleſtine* and *Bithynia*; where he endeared himſelf to thoſe, whom he found in, or corrupted into the ſame Hereſie. By theſe Mens Arts and Intereſt he made publick pretences of his Orthodoxy, and loaded the *Alexandrian Synod* with an in-

vidious charge of Perſecution. The Imperial Court was then at *Nicomedia* in *Bithyuia*, the Biſhoprick of which City *Euſebius* (commonly called the *Nicomedian*) had by ſubtile Ways and Intriegues uncanonically procured by a leap from *Berytus*, (1) and thereby became of great Intereſt and Power at Court; and on preſumption of that calls a Synod of his *Bithynian* Province, which in reverence and compliance to his greatneſs pronounces *Arius* ſound in the Faith, and thereupon *Euſebius* by Synodical Letter recommeds him to *Alexander* Biſhop of *Alexandria* to be reſtored, (2) *&c.* The Party in *Paleſtine*, and this ſham-Council in *Bithynia* acting ſo uncanonically againſt the Domeſtick and Canonical Sentence of the *Alexandrian* Synod, there followed an open Rupture, and *Alexander* complains of the Injury by Circular Letters to all the Biſhops of the Catholick Church according to the received Forms of Eccleſiaſtical Commerce. At Court it appears that the matter was diſſembled and colour'd over with all poſſible Artifice to the diſadvantage of *Alexander*. For the Emperor's Letter, which he ſent to *Alexander* and *Arius*, by his Mediatory Legate *Hoſius* Biſhop of *Corduba*, ſhews that he had been informed, that *Alexander* out of vanity had firſt ſtarted ſuch nice and needleſs Queſtions, and *Arius* had blurted out his Senſes, which either he ought not to have conceived, or otherwiſe however to have concealed, and that hereupon they had made a needleſs ſtir, which might well be trim'd up between them, which therefore the Emperor deſired, (3) by a Policy, which is familiar to Princes againſt inteſtine Diſcords between great Perſons, or Parties, and ſo miſtaken by this Emperor for proper alſo in the caſe of this *Heretical Schiſm*, but whtch in truth was the great Aim and Intereſt of the *Arians*, as appears by this their Conduct all along, till they got the Superiority. And therefore 'tis moſt highly probable, that thisMediatory Employ of *Hoſius* to compoſe the Difference was a *Nicomedian* Artifice. Upon this if the Account received in the Days of *Epiphanius* and *Ruffinus* be true, *Alexander* deſires of the Emperor, that the Cauſe might be tried in a great Council of Biſhops. (4) And, *Hoſius* not being able to compoſe the Controverſie at *Alexandria*, the Emperor reſolved to call this General Council at *Nice*. There was alſo at this time a great and offenſive Diverſity in the time of *Eaſter*, the *Aſian* Churches under *Epheſus* Celebrating it at the time of the *Jews*, contrary to the Practice

(1) *Alex. Alexandrin. Epiſc. Ep. ad Eccl. Cathol. Ep. cap. ap. Socr. E. H. l. 1. κ'. ε'.*

(2) *Soz. E. H. l. 1. κ'. ſ'. Socr. l. κ'. ε'.*

(3) *Euſ. vit. Conſt. l. 2. c. 61. Socr. E. H. l. 1. κ'. ε'.*

(4) *Epiph. Sect. 68. Meletian. Ruff. E. H. l. 1. c. 1,*

Practice received in the other part of the Catholick Church, which were offended that the *Jewiſh* Rules were ſo much more honoured than theirs; the uniform Regulation whereof *Conſtantine* hoped and deſiged alſo by this great Council. This being the Hiſtorical Account that we have of the *Preliminaries* and *Occaſions* of this Council, we ſhall now enquire into the whole Conduct thereof, that thereby we may clearly diſcern the *Facts* and *Authorities* in it, and their *exemplary force*, and *uſe*, in adjuſting the proper *Rights* and *Authorities*, *Synodical* both in Kings and Councils.

And firſt of all we begin with the calling thereof, in which we are to conſider, *who* it was that called it, and the *form* in which it was called. Now the *Roman Church* having in ſome following Ages gained an opinion of ſome ſort of Supremacy over the *Catholick Church*, had promoted and procured a belief, that this Council was called by the Emperor, and Pope *Silveſter*(5), though in the ſame manner which the Emperor *Theodoſius the Great*, Pope *Damaſus*, *Gregory* of *Conſtantinople*, and *Nectarius* his Succeſſor convened the 2*d*. General Council againſt *Macedonius*, *&c.* which imports a *Conſent*, and *Principal Concurrence* of the Emperor's and thoſe great Biſhops in the calling of thoſe Councils, which the Learned Dr. *Comber* affirms called by the conſent of all good Biſhops. (6) But the Antient and Original Accounts aſcribe the actual Call to *Conſtantine*, (7) without any mention of any Pope, or Superiour Authority, or Concurrent Writ or any other Perſon. But the Queſtion is, whether the *Precedent Conſent* of *Alexander*, and ſeveral other Biſhops, which undoubtedly he had to the calling of it, were not in Equity neceſſary to Warrant or Legitimate *ſuch a Call*. For it ſeems hard, that an Emperor ſhould trouble almoſt all the Biſhops of the World about Cauſes Eccleſiaſtical, without ſome Application of Churches, or Biſhops concerned, or at leaſt without their Conſent, merely on his own Head, or Fancy. So that this only can be alledged for a *Precedent*, that Princes, upon the Addreſs or Conſent of the Biſhops concerned in Cauſes Eccleſiaſtical, may convene

(5) *Concil.* VI. *Proſphonetick ad Conſt. Pogon. Imp. Action.* 17.

(6) *Rom. Forg.* p. 84.

(7) *Epiſt. Syn. Nicæn. ad Epiſcop. Eccl. Alex. Ægypt. Libyæ, & Pentap. ap Theodoret Eccl. H.* l. 1. c. 8. *& Gelas. Cyzicen.* l. 2. c. 33. *Conſtantin. M. Epiſt. ad Alexandria, con. Arium. ap Gelas. Cyzicen.* l. 2. c. 36. *& ad abſent Epiſc. & ad Alexandrin. ap Socrat* l. 1. κ'. θ'.

convene the reſt of the Biſhops of their Dominions to a Council to judge of thoſe Cauſes; but will not argue, *that* Princes *are the* ſole Judges, *and not the* Clergy, *when it is proper to convene them,* (8)

(8) *Auth. of Chriſt. Prin.* p. 39.

Secondly, We are to enquire into the *form* of this *Imperial Convocation,* whether it was by *Invitation,* or of *Authority*; and if by *Authority,* whether *ſubpenal,* or *præceptive* only; and this either *Abſolutely* or only *on Condition* equitably to be ſuppoſed, and allowed. Not that it is to be doubted, whether *Conſtantine* had any *Præceptive,* or *Coercive* Authority to convene Biſhops on equal Cauſes, but whether he actually uſed it in this Inſtance.

And firſt of all *Euſebius* repreſents him as a kind of Common Biſhop to the Church in calling Councils, (9) which imports no forms of *Imperial* and *Subpænal Coercion.* And the Convocation of this *Nicene* Council *Gelaſius Cyzicen* repreſents rather as a form of *Invitation,* or *Exhortation,* than an Act of *Imperial Authority.* (10) For he affected no *Statute of Snbmiſſion* like a Lordly Potentate, but revered the Biſhops as Perſons inwardly Divine, (11) and treated them as ſuch; and therefore applauds, and thanks God for his Felicity in their Concourſe, and Unanimity. (12) And certain it is, that if all, that ſate there, were called by him, ſome muſt be called only by his *Invitation,* namely ſuch as came from beyond his Empire, as *Iohn* the *Perſian Metropolitan* of *Cteſiphon, Theophilus* the *Scythian* Biſhop of *Tomis,* who, if called or not called, convened however without any proper Authority of the Emperor obliging them thereunto. But ſuppoſing them called by his Letters of *Invitation,* what reaſon have we to believe the Biſhops within the Empire convened in another Form, ſince there was no ſuſpicion, that his own Biſhops would deſpiſe his *Invitation.* However they cannot be conceived *more Authoritative* than the Letters, by which he convened the above conſidered Councils of *Rome* and *Arles,* which were not *ſubpenal,* and perhaps but *Invitatory,* at moſt but *Preceptive,* and that not abſolutely, * but with ſuch *conditional Reſerve* to greater

(9) *Vit. Conſt.* l. 1. c. 37. οἷά τις κοινὸς ἐπίσκοπος ἐκ θεοῦ καθεσταμένος, συνόδους τῆς τοῦ θεοῦ λειτουργῶν συνεκρότει.

(10) *Hiſt. Conc. Nic.* l. 2. c. 5. συνόδου οἰκουμενικὴν συγκεκροτεῖ, τοὺς πανταχόθεν ἐπισκόπους διὰ γραμμάτων εἰς Νίκαιαν τῆς Βιθυνίας ἀπαντῆσαι προκαλῶν.

(11) *Vit. Conſt.* l. 1. c. 35.

(12) *Ibid.* l. 3. c. 12.

* *See above in C. of Arles.*

Reaſons

Reaſons, by which ſuch *Precepts* amount but to a *very earneſt Exhortation*, which ſeems to be Dr. *Beveridge's* Notion on this Precept of convening this Council.

(13) Now, whatſoever Authority in convening Councils may be aſſerted to Princes from other Principles, or Inſtances, no more from *this Call* of *Conſtantine* can be concluded, but a right of calling Synods by *Invitation*, *conditional Precept*, or *earneſt Exhortation*, which import no *Abſolute Authority* or *Coertion*. I do believe, that *Conſtantine* called the Biſhop of *Rome* in the ſame Form that he did the other Primates, Metropolitans and Biſhops within his Empire, yet he came not himſelf, but, as before at *Arles*, he ſent his Repreſentatives, which ſhews the Letter not to be Peremptory upon his Perſon, but ſoft, conditional, and conceſſive to greater Reaſons. Nor has the Doctor any cauſe of reproaching this Account, ſince, according to him, the bare *Licence* of the Emperor had been a ſufficient Warrant to Authorize their Convention. But farther this ſort of *Call* for this ſort of Synods, can only be of *exemplary* Argument for the Right of *ſuch form* of calling to *ſuch Synods*, but to any others founded on other Originals; there lying no Conſequence from the *Rights* and *Forms* of *extraordinry* to thoſe of *ordinary* Councils; I ſay, it cannot be argued merely from *this Precedent* in *fact*, though it may from other Reaſons, which come not now within our Conſiderations, which are only concern'd for Inferences of *Right* deduced from the meer *Exemplary Precedency* of bare *Facts*.

(13) Annot. in Can. Concil. Nicæn. I. p. 42. *Omnes ubiq; conſtituti Epiſcopi dicti Imperatoris iuſſu conveniebant, vel ſaltem convenire poterant.*

From the *Calling* of this Council proceed we to the *Seſſion*, which was held in the great Hall of the Emperor's Palace. And this we are to conſider firſt in the *local*, and ſecondly in the *ordinal* or *practical* ſence of *Seſſion*. And firſt of all here Aſſembled not only *Catholicks*, but *Arians*, and *Novatians*, and perhaps *Meletians*. And theſe, being offended at each other, had prepared their Complaints for the Emperor, and the *Catholicks* had good reaſon ſo to do againſt *Hereticks* and *Schiſmaticks*, theſe having no *Canonical Right* to ſit in Eccleſiaſtical Councils of the *ordinary ſort*, as having none ſuch Right to aay Catholick or Canonical Communion. But the Emperor deſigning this for an *extraordinary Council*, and therein for the *Reconciliation* rather than *Correction* or *Cenſure* of the Offenders, admitted

mitted none of their Complaints, burnt all their Libels, and conjured them to mutual Amity and Peace, and ſo all, the *Guilty* as well as the *Innocent*, were admitted and required to ſit; for *this all* ſeemed abſolutely neceſſary to the propoſed ends of Reconciliation. The Deſign therefore was intentionally Pious, and ſuitable to *Imperial Policy*, though not to the *Canonical*, which is not for *trimming*, but for *clearing* Prejudices. And therefore no wonder that the *Imperial Call* and *Order* was neceſſary to the *Convention* and *Seſſion* of ſuch a Synod of ſo many different Parties, which Catholick Biſhops could not have admitted by the Canons of *ordinary Diſcipline*. And therefore this *Imperial Diſpenſation* in ſuch an *extraordinary Synod*, for the compoſing ſeveral Parties, can be pretended *Exemplary* only to *ſuch like Synods* for the *like ends*; but not to other *ordinary Canonical Synods* for the *mere Diſcipline* of the Church, in which none but *Catholics* and untainted Perſons may Canonically ſit.

Now theſe being Aſſembled, at laſt comes in the Emperor, for whom a Royal Seat was ſet in the midſt of the fore-rank of Biſhops; on which however he would not ſit down till complemented thereto by the Biſhops (14), though afterward at every Seſſion he ſate down firſt, and ſo *locally Preſided*. And it had been hard if he, being not only *Emperor*, but a *Mediator* alſo, that had born all the *Charge*, as well as taken all the *Care* for this Congreſs, ſhould not have *Preſided* over, or above the *Parties Litigant*, even in his own Hall; though within Church Walls the order of thoſe Ages was otherwiſe. That he ſate as *Mediator* in this Council, (15) as he himſelf profeſſedly owns to the *Nicomedians*, in a way ſuitable to a devout Conſcience, and therefore not as an *Imperial Arbiter*, or *Lord*, like the State aſſumed by *H.* VIII's Vicar General. This Inſtance then may recommend a *Mediatory*, but not an *Imperial* Form of *Preſidence* in Councils called by Princes to a Compoſure of Schiſms by their *Perſonal Mediation*; but it can conclude for no *Preſidence* of Princes in any other Councils, eſpecially within Church Walls, and ſo gives no ſuccour

(14) *Euſ. vit. Conſt.* l. 3. c. 10. *Theodorit.* E. H. l. 1. κ'. ζ'. *Socr.* E. H. l. 1. κ. ζ.

(15) *Conſt. Ep. ad Nicomedienſes. ap Theod.* E. H. l. 1. κ'. κ'. *et Gelas. Cyzicen* l. 3. ——— ἐπὶ τ Νικαέων πόλεως γεμφῆναι σωοδον, ἣ κὶ αὐτὸς ἑξὼ πρεπόντως τῆ τ ἐμῆς σωεδρήσεως λατρεία παρήμλω, ὡδεν ἕτερον βελόμφος ἢ ὁμόνοιαν ἅπασιν ἐφίλεαθαι.

ſuccour to the *Doctor's* Cauſe, when cited by him for the Chriſtian Princes Right, to *local Preſidence* in all Councils whatſoever. (18)

Come we then from the *Local* to the *Practical* ſenſe of *Seſſion* and *Preſidence*. In which the moſt probable and beſt Authorized Opinion is, that *Hoſius* of *Cordova*, or *Cuſtathius* of *Antioch* preſided; and it cannot be doubted, but ſome Biſhop, or other, did in ſome *Prolocutory* manner manage the Form and Order of the Council. But ſuppoſe that *Conſtantine* had taken upon him that Office, (which yet is not very credible) yet this he muſt be ſuppoſed to do as a *Mediator*, not a *Lord*. And hence that *Moderation*, which he is ſaid to have exerciſed, became him on the account of his *Mediation*, being *gentle* only and *perſuaſive*, not *Imperial* or *Coercive*. And therefore in the 5th Council ſays *Juſtinian*, Conſtantine the Great *helped the Confeſſors of the* ὁμοούσιον, (17) *or uſed great diligence to eſtabliſh the Orthodox Faith* (18), ſhewing hereby, that his Induſtry and Interpoſitions in the Diſputes were formally and wholly *Mediatory*, not *Imperial*. It would be endleſs to exhibit all the Inſtances of Equality, which this good Emperor every where ſhewed in the whole courſe of this Concern, by Letters and otherwiſe, but however ſome ſtrokes of this kind may perhaps be pleaſant and ſatisfactory to the Impartial and Conſiderative. In this tranſaction then he behaved and ſtiled himſelf as a *Friend*, and as a *Fellow-Servant* with the *Biſhops*, and *Prieſts*, nay even the very People. (19) In his Oration to the Council, after all his Careſſes, he charms them to *a proſecution of Peace, and thereby not only to pleaſe, but exceedingly to oblige him* (20) *their Fellow-Servant*. And in another Oration to them he entreats them *by all the Endearments poſſible to accept him, and open the Church Gates, to him, while he was in queſt of a perfect Purity in the Catholic Faith*. (21) *Theſe things*, ſaith *Cyzicen*, *did the wiſe Emperor*, οἷα παῖς φιλοπάτωρ *as a dutiful Son, propoſe unto the Biſhops, as unto the Fathers*. (22) In this pathetical and winning way had he before written to *Alexander* and *Arius*, laying before them his Grief for the Rupture,

(16) *Auth. of Chr. Pr.* p. 64.

(17) *Collat.*

(18) *Ita in Græc. Append.*

(19) σωθεράπων *Epiſt. ad Alexandrin. ap* Socr. E. H. l. 1. c. 9. *& Orat. ad Concil. ap Euſ. de vit. Conſt.* l. 3. c. 12. *Epiſt. ad Alexand. & Ar.* l. 2. c. 67. *& Epiſt. ad Alexandrin. con. Arium. ap Gel. Cyz.* l. 2. c 36. *& Epiſt. ad abſent Epiſc.* ibid.

(20) *Ap Euſ. vit. Conſt.* l. 3. c. 12. καὶμοὶ τῷ ὑμετέρῳ σωθεράποντι ὑπερβάλλουσαν δώσετε χάριν.

(21) *Ap Gel. Cyz.* l. 2. c. 7.

(22) *ibid.*

ture, *how it had ſtop'd his Journey into the Eaſt to them, that his Eyes might not behold the Confuſion; and entreats them by their Concord to open the Eaſt to him.* (23) The ſame Lenity and Equality did he uſe likewiſe in compoſing the Paſchal Difference alſo; and therefore *he, that rejoyced to act as one of the Council, as their Fellow-Servant*, acted not in ſphere ſuperiour to the whole Council, ſince he exalted himſelf no higher than to be as *one* of the Biſhops in the diſcuſſion of the Cauſes. So that all the *Practical Preſidence*, or *Moderation* of *Conſtantine* was only *Mediatory*, not *Imperial*, and the fraternal way of equalling himſelf to any ſingle Biſhop of the Council directs rather *againſt* than *for* any Princely Oſtentation of Supremacy over the Synods which Princes call, and in which they may *mediate* for accommodation of Schiſms. Here was no Rod ſhook over them, no threats of a *Præmunire* to ſeal up their Mouths, and bind them to the good Behaviour, but they were allowed their juſt and entire Liberty, according to that Fragment cited out of *Athanaſius* in Greek; (M. E. p. 160) which I thought a pertinent Reflection againſt later Devices, and forms of Tyranny, that the *Nicene* Fathers *were under no force, but purſued the Truth freely*; though the *Doctor* was not willing to obſerve the Appoſitences thereof. (24) Such was the Pious and moſt Chriſtian bevaviour of this Emperor in the *Arian* and *Paſchal* Controverſies, which became an Exemplary Standard to the Zeal of all ſucceeding Princes for ever in ſuch Councils. And herein his Copy was followed by the beſt of Emperors, and the Synods by them called were ſo cleared thereby, (conſidering what contrary Oppreſſions Synods had ſuffered under ill Emperors) that they made their Acclamations of Health to them under the name of *new Conſtantines*, * which *H.* VIII. how much ſoever he deſerved it, yet never affected by the Statute of Submiſſion.

(23) *Euſ. vit. Conſt.* l. 2. c. 67.

(24) *Pref. to App.* p. xvi.

* νέῳ Κωνσταντίνῳ πολλὰ τὰ ἔτη.

But beſides theſe matters, which the Emperor alone propoſed to the Council, they took other Matters into their Conſideration of which the firſt I ſhall note, is the Cauſe of the *Meletian* Schiſm, which without any Imperial *Propoſal*, or *Licenſe*, (as far as ever yet I could obſerve) underwent their Concilar Deliberation and Judgment. So that, till the *Doctor* can produce ſome *Imperial Propoſal* or *Licenſe* of the *Meletian* Cauſe, I muſt take leave to refuſe that General Aſſertion of his in *Fact*, that *no Synods have deliberated on any thing but what they have been directed or allowed*

allowed by the Prince to do, though for this he brings the Emperor *Propoſals* of the *Arian* and *Paſchal* Cauſes. (25) But how came he to forget, or rather ſlip over the *Meletian* Cauſe, the non-propoſal of which deſtroyes his *General Aſſertion* in the *Negative*. For though the *Arian* and *Paſchal* Cauſes were propoſed by the Emperor, yet if the *Meletian* was not, and yet deliberated on, and judged by the Council, then is this Synod an Inſtance not for, but againſt the *Doctor*'s above recited *General Aſſertion*. Perhaps this Strait may put the *Doctor* upon ſeveral Wriggles and Evaſions, among which it ſhall happen to be one, that at the opening of the Council the Emperor *earneſtly exhorts the Biſhops by their wiſe reſolutions to ſettle all things in quiet and unity*, (26) *that were the cauſes of diſturbance*, I anſwer, firſt, that the Exhortation being, *that they ſhould ſolve all doubts νόμοις εἰρήνης by the Laws of Peace*, he intended not any *undoubted matter* to be corrected by the *Laws* of *Cenſure*. Now the only doubts that then occurred to the Churches were the *Arian* and *Paſchal*; of the *Meletian* Cauſe there was none, and ſo no *diſpute* or *accommodation* tendred *accord to the Laws of Peace*, as there had been in the other two; nothing but the *Laws* of *Cenſure* paſſing *nemine contradicente* upon the *Meletian Schiſm*, though milder than that upon the unconvertible *Arians*. Of the *Novatian* Schiſm there was no doubt, nor any diſpute in order to Accommodation. The Emperor indeed, taking care for the Eccleſiaſtical Unanimity, called in *Areſius* the *Novation* Biſhop to the Council, and asked his Opinion on their Definitions, and upon his Comprobation of both that of the Faith, and of Eaſter, being asked of the Emperor, why he ſeperated, and giving an account of the Original Hiſtory and Principles of *Novatiſm*, all that the Emperor ſaid was, *O* Aceſius *make* (or ſet) *thee a Ladder by which thou maiſt get to Heaven by thy ſelf*; (27) but he put not the Synods upon any methods of Diſpute or Accomodation; which yet would have been done, had this *Schiſm* alſo been intended in the above recited General Precept. And yet the Synod ordained their 8th Canon concerning *Novatians*, though not put upon by the Emperor to meddle in their matters. And therefore, if the *Novatian* Cauſe, not being included in the general Exhortation of the Emperor, nor

(25) *Auth. of Chriſti. Princes*, p. 47, 48.

(26) *Orat. ad Synod. ap Euſ. vit. Conſt.* l. 3. c. 11. τὰ δ' ἐν ὑμῖν διασάσεως αἴτια ἐντεῦθεν ἤδη φέρειν εἰς μέσον ἀρξάμενοι πάντα σωφρόνως ἀμφιλογίας νόμοις εἰρηνικοῖς ἐπιλύσασθαι.

(27) *Socr. E. H.* l. 1. κ'. ι'.

nor any other, received yet a Canon from this Council, much more the *Meletian* Schiſm was cenſured by the Synod, without any propoſal, or intent of the Emperor. Beſide the *Doctor*'s General Aſſertion, oppoſed by me in this *Meletian* Inſtance, is obviouſly to be underſtood, not of *general* or *indefinite Propoſals* or *Allowances*, but *matter particularly ſpecified*, and ſo the *Doctor* alſo ſignifies in his two *Arian* and *Paſchal* Inſtances particularly propoſed by the Emperor, of which he ſays, that *the ſubject of their Debates turn'd upon theſe two Points* †, which only were propoſed by the Emperor, and ſo he, that meant no more then thoſe, cannot pretend ſuch general meaning now without contradicting himſelf, of which if I would take no advantage, yet can it not however relieve him.

† *i. e.* only, *which as 'tis true, ſo 'tis neceſſary to his purpoſe ſo to be underſtood.*

But ſuppoſe he could any way hook in the *Meletian* Cauſe, yet what thinks he of their 20 Canons? Will he alſo fetch them in by vertue of that *General Exhortation*, which, after the ending other Matters, *Conſtantine* gave them to make Canons? (28) But this will not alone do. For to *adviſe*, or *exhort* them to make Canons is not to *propoſe*, or *allow* the *matter* of them, which cannot be done without *ſpecification*; Though after all, had his General Aſſertion been true, yet could it not have concluded for his Principle, that the Acts Synodical are *Authorized* by ſuch *Propoſal*, *Direction*, or *Allowance*, eſpecially *Propoſals* by way of *entreaty*, or mere *exhortation*, ſuch as are theſe *two General ones* which we have here laſtly diſcuſſed in reference to the *Meletian* Cauſe, and the *Nicene* Canons; the matter of which was never *propoſed* or *allowed* to them in order to their Deliberation, or Decree. So that quite contrary to the Deſign of the *Doctor*, in this his own Inſtance (not deck'd, but ſet forth at full) here is a *Precedent* for a Right even in extraordinary Synods called by Princes, after they have determined the Princes Propoſals to enter upon any matters *Judiciary*, or *Canonical*, without any *previous Propoſal*, or *Allowance* of them by ſuch Princes, upon their own mere Eccleſiaſtical Authority.

(28) *Gelas. Cyz.* l. 2. c. 28. *ex Euſ. vit. Conſt.* l. 3. c. 13. *hæc inter cætera,* καὶ ὡς εἰ ἦν καθ' ἕκαστον ἐκκλησιαστικῶν διατυπώσεων καὶ κανόνων ἐγγράφως ἐκθεῖναι τοὺς ἐπισκόπους παρεγγυᾶ.

And

And now after theſe their *Deliberations*, let us come to their *concluſive Determinations*. And firſt of all, upon the reading of *Arius* his *Thalia*, and the Letters of the *Nicomedian Euſebius*, they rent them in pieces, (which was an *Act* of *Authority* and granted to them by the Emperor) and unanimouſly condemn'd that Hereſie. (29) In which they acted not *as merely of Counſel* to the Emperor. After the diſcuſſion of all this Cauſe, and the deliberation concerning the *Nicene* Creed finiſhed, there were Eighteen Members of the *Arian* Party, who ſeeing themſelves Canonically liable to Synodical Sentence, all, except two or three, left their Ringleader *Arius*, and ſhifted for themſelves, and conformed to the Council, and among them alſo (30) *Euſebius Nicomedienſis* himſelf (who (if poſſible) deſerved worſe than *Arius*) eſcaped, not by the *Authority*, but the συμμαχία, the *Aſſiſtance*, and *Mediation* of the Emperor; which *Mediatory* Lenity and Counſel of the Emperor, the Emperor himſelf acknowledges to be unhappily uſed, in this Wretches favour againſt the ſtanding Rules of Eccleſiaſtic Diſcipline, which afterward became the chief cauſe of the reduction of *Arianiſm*. Happy indeed had it been for the World, if this Council had decently excuſed themſelves from complying with this *Mediation*; as no doubt they would have done, could they have ſuſpected or diſcerned ſo much lurking inſincerity in thoſe whom they pardoned, and the Conſequences. Whereas perhaps the Opinion of *Nicetas*, concerning the Lenity of the 8th Council, to the Complices of *Photius* upon the interceſſion of the (kind, but beguiled) Emperor *Baſilius*, by which the *Photian* Tragedy was renewed, may in ſome meaſure quadrate with this *Nicene* Lenity, *For they ought to have condemned him, and his Party, and not, being more indulgent*

(29) *Theod.* E. H. l. 1. κ'. ζ'. διέῤῥήξαν ἅπαντες, &c. *et Euſ. ap eund.* l. 1. c. 6, 8. *vid. Athanaſ. in Arian. Orat. diſt.* 1ma. παμψηφεὶ ὃ πάντες——— καταγνόντες τῶν αἱρεσιν ταύτην.

(30) *Conſt. M. Epiſt. ad Nicomidienſes ap Theod. E. H. l.* κ'. κ'. ἀλλ' αὐτὸς ὅτος ὁ Ευσέβιος μὴ ὅσης νομίζετε σωθεσμῆς, ἅτε δὴ ὑπὸ τ σωεδήσεως ἡτ[illegible]μένος, μὴ ὅσης δὲ αἰχμώης τῇ παλαχόθεν ἐλελεγμένῃ ψευδολογία σωίσαλο, ὑποπέμπων μέν μοι διαφόρες ἀξιοῦντας ὑπὲρ αὐτ, ἐξαπέμψιος δὲ παρ' ἐμᾶ συμμαχίαν τινὰ, ὡς μὴ ἐπὶ τοσόντῳ ἐλεγχθεὶς πλημμελήμασι τ ὑπαρχόσης αὐτῷ τιμῆς ἐκβάλλοιλο.——— ἐπεὶ κ ἐμὲ ἐκεῖνο φειδέ[illegible], κ ἀσφαλᾶς ὑφήρπασεν——— πάντα γὰ ἐπρέχθη τότε καθὼς αὐτὸς ἐπόθε, πανοῖαν κακὸν ἐπὶ τ αὐτ διανοίας ὑποκρυπλόμεν.

indulgent than God *and* his Justice, *to null the very Sentence of the* Holy Spirit. *For this Remission of* Eusebius *turned all things upside down, and became the Cause of unspeakable Evils and Scandals. For I suppose, had they Apostolically and Canonically sentenced them all, excommunicating, not only him that was the Cause of the Division and Scandal, but those of his Faction also, the* Heresy *could have found no return to the Church.* But so it always happens, that *uncanonical Lenity* towards *Heresiarchs*, instead of healing, hardens them, and rends the Church in peices. And to conclude with *Nicetas* in the parallel Case. (31) *'Twas not so much the Inclination of the* Council, *as the simplicity, not to say the Levity, of the* Emperor, *that prevailed with them to this Indulgence.* Nor can this be thought an indecent Reflection, since *Constantine* himself owns it in his Epistle to the *Nicomedians*, and yet afterward fell again into the same Snare, by the same easiness, and that Method of Kingly Policy, which is generally trimming and comprehensive, with which the Council of *Ephesus* would not comply, notwithstanding the heavy Persecutions (32) which they suffered for such refusal. Bnt let the World judge hereof as they please; that, which concerns my present Argument herein, is manifest, that *Constantine* acted as *Mediator*, not as *Governour*. But as

(31) *Nicet. in vit. S. Ignat.* C.P. ἀλλ' οὐδέ ἡ συνοδος ἐκείνη τοῖς κεκοινωνηκόσι τῷ Φωτίῳ, εἰ μὴ μάλιστα βιασθεῖσι, τοσοῦτον ἤθελε συμπαθεῖν, ὅσον ἡ τοῦ βασιλέως ἁπλότης, ἵνα μὴ λέγω κουφότης, προσώπων ἥττομένη παρακλήσεσι, καὶ τοῖς παρὰ τούτων ἐπαίνοις ὑποχαυνωμένη, καὶ φιλανθρωπίας ὀνόματι τὸ ἀκεραῖον τοῦ Θεοῦ δικαιοσύνης ὡς ἐπίπαν ὑποπίπτουσα.

(32) *Synod. Eph. Epist. ad Episc. Constantinop. repert.* καὶ ἀσυμβάτως πρὸς αὐτοὺς (*Nestorianos*) διακεῖσθαι, πολλῆς ἀνάγκης εἰς τοῦτο τοὺς ἀρχόντων ἡμᾶς σωφελαωνούσης.

† If this for *Arius*, and those few that came not into the Peace of the Council, they were Canonically censured as *Heretic's* by an Authority purely *Synodical*, not *Imperial*. This appears from hence, that the Emperor after added this peculiar Sentence, which differed from that of the Council in *form* and *effect*. The Council *Anathematize Arius* and his *Thalia*, and enjoyn him not to return to *Alexandria*. † *Concroachment* or *exercise* of *Civil Power*, the mistake is easie to be removed by observing, that it was but a Penance enjoyned, and to be observed in order to restitution in time to a Lay Communion, which if he despised, there was no *Civil Coertion*, and *Arius* being a *Libyan*, and having no Temporal Rights at *Alexandria*, it was no *Secular Punishment* in the least.

stantine

ſtantine proceeds farther to baniſh his Perſon and condemn his Books to be burnt, and their Counſellors to be beheaded, (33) and the *Arians* to be ſtigmatically called *Porphyrians*.

(33) *Sozem* E. H. l. 1. χ'. ιθ'.

As to the *Meletians* the Synod alone paſſed their Sentence, which was more milde than that againſt *Arius*, and his Faction, which may at large be ſeen in the Synodical Letter written to the Churches of *Alexandria*, *Egypt*, *Libya*, and *Pentapolis*, (34) and by which it may appear, that they acted herein, not on an *Imperial Commiſſion*, but as *Eccleſiaſtical Judges*; not as *Conſtantine*'s, but the *Churches* Council, conſiſting, not of meer *Counſellors*, but of *Eccleſiaſtical Governours*.

(34) *ap Socr. l* 1. χ. et *Theod.* E. H. l. 1. χ. θ.

As to the *Paſchal Conſtitution*, it appears clearly by the Epiſtle of *Conſtantine* to the abſent Biſhops, that the *Canonical force* thereof lay in the *Reaſons* of it, and the *Uniform Cuſtom* of moſt Churches in it, the *Conſent* of the preſent Synod, and *That* of the *abſent Biſhops* to it, which was *expected*, and *deſired* by *Requeſt*, but not *commanded* by *Imperial Edict*, and ſo ſtood on a *federal Eſtabliſhment of the Biſhops*, not on any *Imperial Obligation*.

And laſtly the Fathers alone made the Canons on their own profeſſed and avowed Authority, as appears by the expreſs Forms of the 2d, 3d, 4th, 5th, 6th, 11th, 14th, 15th, 17th, and 20th Canons; (35) whoſe Conſtitutions (as well as ſome others mentioned in theſe Canons) are attributted wholly to the Authority of the Synod, without any mention or notice of the Emperor, which yet according to the *Doctor* was *Sole* herein, while the Synod only gave *Counſel* thereunto.

(35) Can. 2. ὁ δὲ παρὰ ταῦτα ποιῶν, ὡς ὑπεναντίως τῇ μεγάλῃ σωόδῳ θρασωόμενος, αὐτὸς κινδωύευσει ἐκεὶ ἢ κλῆρον. Can. 3. ἀπηγόρευσε ἡ μεγάλη σωόδ⊖ καθόλε, &c. Can. 6. τὸν τοιῦτον ἡ μεγάλη σωόδος ὥρισε μὴ δεῖν εἶναι ἐπίσκοποι. Can. 11. ἔδοξε τῇ σωόδῳ (ita Can. 20.) χρησευέδαι εἰς αὐτὲς, &c. vid. Can. 14. ——Can. 16. μὴ τὸν ἁ ἁγίας κὴ μεγάλης σωόδε ὅρον, &c. Can. 17. ἐδικίωσεν ἡ ἁγία κὴ μεγάλη σωόδ⊖, &c.

Having thus concluded the *Seſſion* of this Council in all its Procedures, come we now to the *Conſequences* acted by *Imperial Power*, and that according to the *Doctor*'s Method, firſt with reſpect to their *Perſons* and ſecondly of their *Acts*. That which firſt concerns their Perſons is their *Diſſolution*, the Authority of which the Doctor lodges in

the Princes *License alone*, which yet not to have been *desired*, or *granted* here. *Theodorit* asserts expressly, that after they had subscribed the Creed, *they themselves dissolved the Session*, (36) not the Emperor, nor by any virtue of *his License*, and *Gelasius Cyzicen* says the same in his account thereof, emphatically distinguishing their own *self-dissolution* of their Session, from their consequent *dismission* by the Emperor to their several homes; (37) which evidently asserts, that the Synod *dissolved* its own Session it self, not the Emperor, who *only dismissed* them to their several Charges after *their own self-dissolution*, which this Historian so exactly distinguishes one from the other, and thereby *appropriates* the *Dissolution* to the *Synod alone*, and the *Dismission* following to the *Emperor*. And herein the Synod followed the Example, and used the Power of all other Synods in former Times and Ages, as being not conscious that *Constantine*'s oral Profession of Christianity before his Baptism had cancelled this immemorial Right and Power of Synods Ecclesiastical. So that here is another *oecumenical Precedent* against the *Doctor*'s Rule, for the *Synodical Right* and *Liberty* of *self-Dissolution* without *Royal License*, even in Councils called by Kings, yea such as *none* but *Kings* can coercively convene, and therefore much more in *such*, which they *call not*, and in which they *interpose not*, and which they have no Authority to obstruct.

(36) E. H. l. 1. κ'. ζ'. διέλυσαν τὸ συνέδριον.

(37) l. 2. c. 36. εἴκοσῳ ὕστερον διαλυσάντων τὸ τῆς συνόδου συνέδριον; ἀνέλυσεν ἕκαστον εἰς τὰς ἰδίας παροικίας.

From their *Persons* descend we to their *Acts*, and examine what Authorities *Constantine* exercised over them after their Consummation in the Synod; And herein first, what he did in *Confirmation* of their *Acts*; Secondly, what toward the *rescinding* or *annulling* of them; since these *confirming* and *annulling* Powers are by the *Doctor* given in full plenitude to *this* and *all other* Christian Princes. And first of all it is a common Opinion, or rather Assertion, that *Constantine* confirmed by his Authority what the Synod had determined, and that (as the *Doctor* says) at their request. (38) Now to the right Apprehension hereof we are to consider the Distinction above set between *Confirmations*, (39) namely, that *some* are only *Comprobatory*, *others Authoritative*, and

(38) *Euth. of Christ. Princes*, p. 80. vbi citat. *Socr.* E. H. l. 1. c. 3. et *Theod.* l. 2. c. 4. vide.

(39) Sup. *Divis* 1. chap. 1. Sect. 9.

and theſe either *Spiritual*, or *Secular*, and both theſe either *Single* and *Conſtitutive* of one *internal Validity*, or *double* and *conſecutive*; or otherwiſe, that they are either *proper Ratifications*, or *Corroborations*. And withal we are to remember the *Doctor*'s Principle, that no Acts Synodical have, when finiſhed, any *Authoritative*, or *Obligatory Validity* at all of any kind whatſoever, till *authoritatively confirmed* by the conſequent Act of the Chriſtian Prince. And ſo our Enquiry at preſent is, how far this *Hypotheſis* is verified, or exemplified in this *Nicene* Council, and that according to the three ſeveral ſorts of Matter herein concluded, ſubjected by the *Doctor* to this *Imperial Authority*, namely, 1ſt, their *Creed* or *Definition of Faith*, 2dly, their *Canons* for *Diſcipline*, and 3dly, their *Sentences* on the Offenders, by trying what *Authoritative* Confirmations *Conſtantine* paſt upon every of theſe *Acts Synodical*.

Now ſince the *Greek accounts* of this Synod are the *Original*, and conſeqently the moſt *Authentic*, it well then be perhaps convenient *critically* to examine their Terms expreſſive of *Confirmation*. And firſt they expreſs the *Comprobatory* and the *Authoritative Confirmations* by the ſame Terms promiſcuouſly, and therefore the *Diſtinction* between theſe *two kinds* of *Confirmation* cannot be taken from *theſe Terms alone*, but the *Nature*, and the *whole Relation* of them. The Places and Inſtances of this kind are infinite, and ſo too many for even a large Margin, and ſo needleſs to be particularly noted. But when the *Greeks* ſpeak of an *Authoritative Confirmation* they uſe the *ſimple Terms* βεβαίωσις, κύρωσις, and ſome ſuch like; ſometimes the *Compounds* ἐπιβεβαίωσις, ἐπικύρωσις, *&c.* which they often enough *confound*, but ſometimes very *critically diſtinguiſh*; and when they are ſo *critical*, then the *ſingle Terms* ſignifie the *firſt proper conſtitutive Ratification*, and the *Compounds* the *additional* and *conſecutive Coroboration*, according to the *additional import* of ἐπὶ in *Compoſition*. This being premiſed we ſhall ſometimes find it aſſerted, that all the δῆμος the *Laity*, paeſent at the Counil, did *confirm* it by their *Acclamations*; which could be no other but *Comprobatory*. (40) In very many, and very Authentick Monuments we find the *Confirmation*, or *Ratification* of the *Faith* and *Acts* aſcribed

(40) *Gelas. Cyz. l. 3. c. 28.* ἀποσολικῆς πίσεως, ἣν ἐκ πνεύμαλος ἁγίου διὰ τῶν τριακοσίων ἡμῶν πολέρων ἐκφωνηθείσης ὥσπερεί δι' ἑνὸς σόμαλος, καὶ ΚΥΡΩΘΕΙΣΗΣ πᾶσι πάντων τῶν συνδραμόντων εἰς τὴν ἁγίαν ἐκείνην τῆς πίσεως ἀκρασιν.

to the *Synod*, and that by the *Holy Ghost*. (41) Nay *Constantine* himself attributes the *confirmation* of this Faith to the *Nicene* Fathers, in his Epistle to the *Alexandrians* against *Arius*. (42) But perhaps this *Confirmation* of the Synod will appear to be no more than *Testimonial*, or *Comprobatory*: And as to the *Matter* it must be confessed; but the *Form* thereof instituted in this Council was by an Authoritative Establishment, which the *Greeks* call τύπωσις, &c. (43) and therefore on this account *Constantine* recommends it to the *Alexandrians*, because Τριακοσίοις ἁγίοις ἤρεσεν ὁμοσκόποις, it pleased, that is (in the Language of *Laws* and *Canons*) *it was Decreed by* 300 *Bishops, and so was the very Decree of God.* (44) And it was a general and received Notion that this Creed the Dictate of the Holy Ghost drawn down to lower Ages. (45) And here upon well might *Constantine* add hereunto a *Comprobatory Confirmation*, or *Civil Corroboration*, but to imagine that all, that the Synod determined in the Faith by the Holy Ghost, was entirely *null* without *Constantines* constituent *Ratification*, would in these antient Days have been thought blasphemous even by *Constantine* himself. The truth is, I never have observed in the Antient Monuments any express affirmation that *Constantine* did *confirm* it, though I have that he *subscribed* it in way of *approbation*; (46) but only that the Fathers *confirmed* it in his presence. (47) For indeed *by them*

(41) *Concil* 2 Epist. *ad Concil Rom.* sub. *Damas.* ὑπὲρ τῆς εὐαγγελικῆς πίστεως, τῆς ἐν Νικαίᾳ τῆς Βιθυνίας συνόδου τῶν τριακοσίων δέκα καὶ ὀκτὼ ἁγίων Θεοφόρων πατέρων ΚΥΡΩΘΕΙΣΗΣ, &c.

(42) as *Cel. lyz.* l. 2. c. 36. Τριακοσίων οὖν καὶ πλειόνων ὁμοσκόπων —— μίαν καὶ τὴν αὐτὴν πίστιν ἡ καὶ τῆς ἀληθείας τῆς θείας νόμος προφυκε πίσις, ἣν ΒΕΒΑΙΟΥΝΤΩΝ.

(43) So *Dioscorus* saith, that with this Council the Holy Ghost συνέδρευσε, καὶ ἐτύπωσε τὰ τετυπωμένα, &c. inter act. *Eph.* relect. in *Concil. Chalced. Concil.* Tom 8. p. 140.

(44) *Const.* Epist. ad *Alexandrin.* ubi sup. ὃ δὲ τοῖς ἁγίοις τριακοσίοις ἁγίοις ἤρεσεν ὁμοσκόποις, οὐδέν ἐστιν ἕτερον ἢ μόνον τῷ Θεῷ γνώμη, &c. Vide.

(45) *Ita Sabbas cum aliis in Concil.* Constantinop. *sub* Flavian *con. Eutych. in Concil.* Chalced. *vid. Tom.* 8. *p.* 196. καὶ δὲ οἱ πατέρες ἡμῶν, οἱ καλὰ Νίκαιαν ἔκ αὐτῶν ἑαυτῶν ἐλάλησαν, ἀλλὰ τὸ πνεῦμα τὸ ἅγιον ὑπηρέτευσεν. *Ita Cyril. Ep. ad Johan* Antioch. *per* Paul. Emesen. *ap Con* Eph. I. *Part* 3. *c.* 134. *& Epist ad* Acac. *Episc.* Meliten. *ibid. c.* 135.

(46) *Soz.* E. H. l. 1. κ'. κ'. ιή.

(47) *Liber P. Ep. ad* Constantium Imp. Concil. Tom. III. p. 132. *Et quæ fuerint judicio Sacerdotum Dei confirmata, cum constiterit omnes in expositione fidei, quæ inter tantos Episcopos apud Nicæam, præsente sanctæ memoriæ Patre tuo, confirmata est,* &c.

he

he deſired the Faith to be *eſtabliſhed*, and *himſelf* thereby to be *confirmed* in the Faith; and then it muſt ſeem very ſtrange, that he muſt *confirm* that Creed by *his Ratification*, by which *he himſelf* was to be *confirmed* in the Chriſtian Faith. Nor did *they* only *confirm* and *eſtabliſh* the Creed, but the *Paſchal Sanction* alſo by their own Authority, for which we have alſo this Emperor's own Teſtimony (48) to the abſent Biſhops, to whom he recommends it as a *Divine Commandment* upon *their Sacred Eſtabliſhment*. Nay, the Emperor was ſo far from arrogating to himſelf the *Conſtitutive Ratification* of any of their Determinations, that he on the contrary requires the Synod it ſelf to *confirm* their Decrees, on the *Faith* and the *Paſchal Feaſt*, by *their own Subſcriptions*; (49) ſo ignorant was he of that *Confirming, Ratifying Power*, which the *Doctor* aſcribes to him *Solely*. But on the contrary, if this Council be *exemplary*, here is a *Preſident* for the entire *Canonical Validity* of Conciliar Definitions in Faith and Diſcipline on *their own Ratification*, without any *Concurrence* or *Ratification* of *Chriſtian Princes*. But though theſe Acts were not *conſtitutively ratified* or *confirmed* by the Emperor, yet no doubt he did ſomewhat *conſequentially* hereupon, which we ought fairly to acknowledge, and ſet forth. When the Fathers had decided the *Arian* Cauſe, and formed the Creed, they brought their *Cenſure* and their *Creed to the Cmperor, which he willing received with all Reverence, as of Divine Pronunciation*; (50) and Subſcribed it, adding a Law of Baniſhment to any Opponent; but this no more appears a *conſtituent Ratification* of it, than *Nebuchadnezzar*'s confeſſion of the God of *Shadrach, Meſhach*, and *Abendnego*, and his *Edict* againſt all the Blaſphers of *this God*, * was a *conſtitutive Ratification* of the Law of *Moſes*; for as he hereby acknowledged this Point of the

(48) *Ap. Gelas. Gyz.* l. 2. c. 36. κοινῇ πάντων ἤρεσε κείσθω——τέτων θεία κείσθω διὰ τῆς τοσέτων ἐπισκόπων ΔΙΑΤΥΠΩΘΕΝΤΩΝ, ἀσμένως δέχεσθε τὸν ἱερώτιον χάριν, καὶ θείαν ὡς ἀληθῶς ἐντολήν. Πᾶν γὰρ ὅτι δ' ἂν ἐν τοῖς ἁγίοις τῶν ἐπισκόπων συνεδρίοις πράττεται, πρὸς τὸν θεῖαν βάλλω ἀναφορὰν ἔχει.

(49) *Gelas. Gyz.* l. 2. c. 28. ex *Euſ.* vit. *Conſt.* l. 3. c. 13. τότε ὃν καὶ ἐγγράφως δι ὑποσημειώσεως ἑκάστε τὰ κοινῇ δόγματα ΚΥΡΩΘΗΝΑΙ ἐκέλευσε.

(50) *Gelas. Gyz.* l. 2. c. 26 ἀναφέρεται τοίνυν ἐπὶ τὸν εὐσεβῆ----βασιλέα τὰ ὑπὸ τῆς συνόδε κεκειμένα, ἥτε κατὰ τῆς Θεομάχων ἀπόφασις, καὶ ἡ τῆς ὀρθοδόξε πίστεως ἔκθεσις ἣν ὡς θεόθεν προενεχθεῖσαν ἀσμένως προσεδέξατο μετὰ πλείστης ὅσης σεβασμιότητος.

* *Dan.* 3. 28, 29.

Mosaic Faith to be *valid* before in it self, and so added thereupon this *Confession* and *Law*; so *Constantine* own'd the *Nicene Creed* to be in it self *Divine*, and therefore *Valid*, and on that account *approved* it by *Subscription*, and forbad all opposition on peril of Banishment, in *one* of which *two Acts* the *supposed Confirmation* must consist. But first, the *Subscription* can in it self import no more than *Comprobation*, as appears by the Laities Suffrage with the Apostles and Elders in the Synodical Letter from *Jerusalem* †, and in many Councils the *Subscriptions* not only of *Priests*, but *Deacons*, *&c.* But supposing his *Subscription* had, as *such*, given *Validity*, then so must the *Subscription* of the *Bishops* likewise; and so *all the Validity* had not been *Solely* from *his Subscriptions*; For the Emperor says, he was *present at the Discussion, and acted as one of them, as a fellow-Servant with them*, without puting on his ὑπερογχὴ; and so then likewise in his *Subscription*. From whence also it will follow, that these Acts of the Council would have been valid *without his Subscription*, as much as they would have been if any *one Subscription* of any *one Bishop* had been wanting, as those of *Theonas* and *Secundus* were, Beside, when we consider him acting in form of a *Mediator*, his *Subscription* can be but *Testimonial* of his own *Satisfaction*, and the *contracted Agreement* of the Parties; but in no wise *Authoritative* and *Imperial*. For though *Mediators* subscribe Articles of Peace together with the *Parties reconciled*, yet it is the *Subscription* of the *Parties* that Effectually and Authoritatively *ratifies* them, and would do so even *without any Mediator*. Or farther *his Subscription* might be made to comfort and satisfie the Synod, by attesting his own satisfaction in their Acts hereby, in that neither he, nor they had laboured so much in vain; or farther yet to stop the Mouths of Gainsayers, and to satisfie the World by producing to the World the *Testimonial Subscription* of so wise and devout an Emperor in vindication of their Conduct and Integrity. And lastly, *Eusebius*, that has assured us of the Emperor's Custom in subscribing the Determinations of Councils, tells us, *'Twas to prevent the Injuries, which otherwise Magistrates might offer in violation of them,* (51)

† *Act.* 15.

(51) *Vit. Const.* l. 4. 27. ἀλλὰ τοὺς ὑπὸ ἐπισκόπων ἢ ὄχλου, τοὺς ἐν σωμάτοις ἀποφανθέντας, ἐπεσφραγίζετο, ὡς μὴ ἐξεῖναι τοῖς ὑπὸ ἐθνῶν ἄρχουσι τὰ δόξαντα παρελύειν· παντὸς γὰρ εἶναι δικαστὴν τοὺς ἱερεῖς τοῦ θεοῦ δοκιμωτέρους.

which

which he look'd upon as impious againſt a more Sacred Order. Which ſhews the *intent* of ſuch *Subſcriptions* not to be *internally conſtituent Ratifications* of Canonical Authority, but *external Defences* againſt Heathen Rulers; not of *preceptive force* upon the *Conſcience* of *Chriſtians*, but of *inhibitive force* againſt the *Violence* of *Heathens* †. All which put together ſhews, how vain and impoſing thoſe Arguments for *Imperial Ratification* are, which are drawn from *mere Subſcription*. Nor, *ſecondly*, was his *Law* of Baniſhment againſt the Opponents of theſe *Anti-Arian* Acts properly *Ratificatory*. For the *Law* did not *oblige* People to *confeſs* the *Nicene Creed*, and own the *Anathematiſms*, but only *forbad Oppoſitions*; whereas the proper *Ratification* obliged to *ſuch Confeſſion* upon pain of Eccleſiaſtical Cenſure. So that the *Imperial Law* was but an *additional* only, and *Penal Corroboration* againſt Enemies. And ſo much ſhall ſuffice for what Acts the Emperor *Subſcribed* and *Corroborated* by a *Law*. But as for the *Meletian* Cenſure, and 20 Canons made by this Council, he neither *Subſcribed* them, nor ſet out any *Law* or *Edict* upon them; and yet they were as *Internally* and *Canonically valid* with the Catholic Church as the other, and ſo this plainly proves the *eſſential Validity* of Acts Eccleſiaſtical to conſiſt in the *Injunctions* of the *Synods*, not the *Princes Subſcriptions*, or *Penal Laws* made againſt Enemies, or any other forms of Succour or Aſſiſtance.

† *See Bp. Bilſ. True Differ. &c. p. 242.*

Having thus paſſed out Notes concerning *Conſtantine*'s ſuppoſed *Confirmations* of this Council, let us now turn the Tables, and examine the Pretences, or Exerciſes of the *Annulling Power*. And firſt according to the Order of Hiſtory we are to begin with the Emperor's dealings in the Caſe of *Euſebius* of *Nicomedia*, and *Theognis* of *Nicæa*. Now theſe Men had not only headed the *Bithynian* Council againſt *Alexander*'s Council at *Alexandria*, and ſo incurr'd the Guilt and Cenſure of *Schiſm*; but *Euſebius* had openly avowed the *Arian Hereſie* in his Letters, which were rent in the *Nicene* Council, with *Arius* his *Thalia*, as may yet be ſeen in that of his Letter, ſtill extant, to *Paulinus* Biſhop of *Tyre*. (52) Upon this, as well as the *uncanonical Invaſion* of that See, the *Nicomedians* might, and would have caſt him out in their own *Right*, and choſen another,

(52) *Ap Theod.* E.H. l. 1. κ'. 5'.

(53) *Const. M.* Ep. ad *Nicomediens.* ap. *Theod.* l. 1. κ'. κ'. et *Gelas.* l. 3. καὶ πάλαι ἐχρῆν τὴν ὑμετέρας κρίσεως ἡητῆσθαι, εἰ μὴ ὁ προειρημένος Εὐσέβιος, δεινῆ [προφάσει] συλλαβομένων αὐτῷ, ἐν ταύτῃ ἐλπλύθει καὶ τῷ τῆς τάξεως ὀρθότητα ἀναμφιλόγως σωτεταφέχει.

ther, had they been let alone. (53) But the Emperor's miſtaken Clemency prevailed for him againſt the *Canons* and *Rights* of the Church Catholic, and that of *Nicomedia.* So by the *Emperor's Mediation* againſt the courſe of righteous and neceſſary Diſcipline, the forfeiture of his Biſhopric was not *taken* by the *Nicomedians*, or the *Nicene* Council, though neither was it *acquited.*

After this, he, and *Theognis* did not only privately entertain, and ſecure with themſelves thoſe *Arian Incendiaries* which the Emperor had ſent for from *Alexandria*, but communicated with them; And hereupon *Conſtantine* not only delivers them up to the Canon, but baniſhes them, and directs their Churches to uſe the Right freely in the choice of new Orthodox Biſhops, (54) upon this encouragement, which he gave them, upon the ſenſe of his Error, and undue Lenity. No ſooner had they this Liberty, but the *Nicomedians* ſet up *Amphion*, and the *Nicenes Chreſtus* for their Biſhops. And now one would have thought, after ſo great a Detection of ſo great Villanies in theſe Wretches, by which he had been beguiled to interpoſe and mediate for them againſt the Canons, (to which therefore he now ſurrendred them) he ſhould never have been trepann'd a ſecond time into the like uncanonical Councils. Yet ſo unhappy was he, that by their accuſtomed Artifices working upon his Lenity, they got through it to the recovery of their former Station and Grandure. (55) The conſequence of which, as it was a Reproach to the Canons, a Corruption of Diſcipline, a Grief to the Catholic's, a very Impoſition upon *Amphion* and *Chreſtus*, (though they yielded to the Stream) ſo it gave ſuch Life to the Heretics, and not long after to the Hereſie, that it ended in the general Ruins of the Faith and Purity of the Chriſtian Church for ſeveral Ages throughout the *Roman* Empire. For when the

(54) Id. Ibid. ἀλλ' ἔστιν ἃ βραδεία θεραπεία, εἴ γε ἐπίσκοπόν τε καὶ ἀκέραιον νῦν γῆν λαβόντες πρὸς τὸν Θεὸν ἀπίδητε, ὅπερ ἐπὶ τῷ παρόντος ἐν ὑμῖν ἐστι.

(55) *Theod.* l. 1. κ'. κ'. πάλιν ταῖς ἐξ ἔθους χρησάμενοι μηχαναῖς, καὶ τῷ βασιλέως φιλανθρωπίαν ἐφόδιον ἐξαπάτης εὑρόντες, ἀνεπάλαισάν τε, καὶ πρωτέραν δυναστείαν ἀπέλαβον.

Arians

Arians ſaw that even the beſt of Emperors could be tamper'd with to interpoſe againſt the Canons, though but by way of *Mediation*, and found the Church capable of uncanonical Impreſſions this way, they hereby found an *avenue* firſt for eſcape, and afterward for Dominion and Perſecution.

This appears plainly from the immediate iſſues of theſe Mens unhappy Reſtitution; for upon this they never reſted till they had reduced *Arius* and *Euzrius* alſo into the Emperor's Favour, that either by his *Mediation* or *Force* they might reſtore them not only to the Church, but to their former Place, Order, and Charge, contrary to the Sentence and Decrees of the *Alexandrian* and *Nicene* Councils, and the moſt Primitive Rules and Conſtitutions of the Catholic Church. Hence they beguile the Emperor's Siſter, by her ſecretly *Arian* Chaplain, to condole the fall of *Arius*, *&c.* and ſuperſtitiouſly to ſuggeſt on her Death-bed to the Emperor the fear of God's Judgments for their Oppreſſion. This melts the Emperor, who after her Death careſſed her Chaplain and he upon that confidence undertook for *Arius* his Integrity. Upon which the Emperor promiſed to ſend him home with Honour to *Alexandria*, though prohibited ſo to do by the *Nicene* Council; and ſo ſends for him in order to his private Examination. He therefore, and *Euzoius* preſent themſelves with a ſhort and deceitful Creed, petitioning him withal *to reunite them to the Church*, (56) *aboliſhing all Queſtions and ſuperfluous Terms in the Faith, in order to the Churches Peace.* And accordingly he is ſent by the Emperor to *Athanaſius* with Letters for his Reſtitution. *Athanaſius* refuſes it, and tells the Emperor 'twas impoſſible, becauſe againſt Canon; for which the Emperor threatens him, (57) but he yields not, and for that Cauſe he fell under an unparallel'd courſe of Perſecutions in this Reign, which ended in his Baniſhment. After this *Conſtantine* ſends him with kind Letters to a ſet of *Arianizing* Biſhops at *Jeruſalem*, of which the *Nicomedian* was the chief; and they, abſolving *Arius* and *Euzoius*, recommend them to the Church at *Alexandria*, pretending for their Warrant the Emperor's Order and Teſtimonial of their Faith; but neither would this be admitted

(56) *Socr.* l. 1. κ'. κε'. Διὸ παρακαλῶμέν σε θεοσέβειαν--- ἐκκλησιαστικὰς ὄντας ἐνθάδε ἡμᾶς διὰ σ εἰρηνοποιῆ σε ϗ θεοσέβυς ἐυσεβείας τῇ μητρὶ ἡμῶν τῇ ἐκκλησίᾳ, *&c.*

(57) *Socr. E. H.* l. 1. κ'. κζ'.

(58) St. Maxim. Collat cum Principp. in Secretar. ap Concil. Tom. 15. p. 360. *Hoc & Ariani aliquando prætenderunt in ſcriptis ſub magno Conſtantino, dicentes, Auferamus dictum unius ſubſtantiæ, & alterius ſubſtantiæ, & uniantur Eccleſiæ: & non id admiſerunt Deiferi Patres,—— & hæc conhibente his qui prætendebant magno Conſtantino, ſicut a multis refertur, qui ea quæ tunc geſta ſunt ſtudioſe ſcripſerunt.*

(59) *Athanaſ. con. Arian. Orat. Socr. E. H.* l. 1. κ'. λζ'. *Soz.* l. 2. κ'. κη'. *Theod.* l. 1. κ'. ιδ'.

† *That is publickly ſuch as concerned whole Churches.*

mitted at *Alexandria*, nor at *Conſtantinople*, (58) where God put an end to the ſtrife in the deteſtable Death of *Arius*; (59) thereby ſhewing, that the juſt and ſacred Cenſures of Synods upon Heretics are not voidable by Imperial Powers, to whoſe Politic's the Faith and Purity of the Church, and the Salvation of Mens Souls (even of the Heretic's themſelves) ought not to be ſurrendred, or ſacrificed upon any ſecular Terrors, Temptations, or Intereſts whatſoever. And thus have I ended my Obſervations on the Synodical Interpoſitions of this Emperor in Cauſes Eccleſiaſtical. † Nor have I made any Excurſions into his other Acts exterior to the Churches Politie, either as to his Civil *Reſtrictions* or *Favours* to any Parties with the Church, not breaking in upon the Eccleſiaſtical Order, becauſe as they appertain not to my Subject, ſo neither are they of Eccleſiaſtical Cogniſance. But his Variations to and fro according to Humours, or worldly Occurrences, ſhew plainly a wide diſtance of thoſe Meaſures from Rules and Ends Eccleſiaſtical, which wherein they obſtructed, in that they were *de jure* null, and of no *Precedency* to any ſucceeding Princes.

IV. *Of the Council of* Cæſarea *upon* Athanaſius, *Anno Chriſt.* 334.

THe Heretics, having reinſtated themſelves into the Emperor's Intereſts, but not prevailing upon *Athanaſius* to act againſt the Sentence of the *Alexandrian* and *Nicene* Councils, were reſolved to make their Experiments upon the Emperor's *Paſſions* as well as his *Lenities*; and ſo drawing in the *Meletians* alſo to their Party, they form up a Roll of moſt horid Criminations againſt his Perſon. And ſuch in their own Nature indeed they were, that (had they been

been true) deſerved not only the higheſt *Eccleſiaſtic l Cenſure*, but alſo the greateſt *Secular Puniſhment*. And to compaſs their Deſign the better, inſtead of accuſing him to the *Alexandrian* Synod, they repair immediately to the Emperor; but time after time being ſtill convicted of Malice and Subornation, *Athanaſius* came off Conqueror, till at laſt the Emperor, being tired with endleſs Clamours, which he was ever as eaſie at firſt to admit, as he was finally juſt to reject, he was reſolved to gratifie the *Nicomedian*, *Theognis*, and *Theodorus Perinthius* to turn over the whole matter to a Synod (1) of *Paleſtine*, (where *Athanaſius*'s Enemies in great number were, though perhaps the Emperor wiſt not ſo much) looking upon a *Synodical Judgment* in this Cauſe *Superior* and more *competent* than *his own*, having had no Chaplain to inform him otherwiſe. But though herein he was ſo far in the Right, (had the Integrity of the Saint been dubitable, as perhaps after all it might be to *Conſtantine*) yet he admitted a fourfold Error; 1*ſt*. in *not judging*, or delivering over to ſome *competent Judgment*, thoſe whom he himſelf had detected of Calumny; 2*dly*, That he would appoint any Synod for a Proſecution, which he had found Calumnious; 3*dly*, That he appointed it out of the *Alexandrian Dioceſe* contrary to Canon; 4*thly*, That he appointed known Enemies and Heretics to be his Judges, beſide other Irregularities herein to be obſerved. And firſt he grants againſt *Athanaſius* a Synod at *Cæſarea*, the *Metropolis* of *Paleſtine*, and the *See* of *Euſebius Cæſarcenſis*, who always was of the Court ſide, and favoured, and joyned with the *Arian Party* at all ſafe Oppertunities, though he had both ſubſcribed the *Nicene Creed*, and *Anathematiſms* too. In his Province it was that *Arius* was firſt received by him, and ſeveral others, contrary to Canon, and the *Alexandrian* Synod. So that it was an intolerable and uncanonical Oppreſſion to turn him over to the Judgment of ſuch a knot of *Complices*, inſtead of a Domeſtic Synod at *Alexandria*, or ſome where elſe within his Dioceſe; and therefore the Authority being *null*, he was not bound to appear, and ſo he actually declined Appearance. Indeed, had they been a Bench of *Secular Judges*, to judge for Crimes proper for *Secular Judgment*, he ought not to have refuſed Appearance on pretence of *nullity* in their Powers, but upon Appearance have proteſted not againſt the *nullity* of the *Commiſſion*, but the *ineptitude* and *enmity* of the *Commiſſioners*; and on an

(1) *Theod.* E. H. l. 1. κ'. κν'.

overrule

overrule of that *Plea*, he might have Appealed to the Emperor with that Charge. But being they were to ſit as an *Eccleſiaſtical Judicatory* in another Province, he juſtly declined it, and thereby effectually diſown'd their *Juriſdiction Eccleſiaſtical* over him; and ſo, conſidering the Sanctity and Regularity of this Father, *this neglect* is a good Argument and Prejudice *againſt the Validity* of that Court, and Doctor *Wake's* Principle. 'Tis true indeed, *ſuch Declinations* of Criminals are not commonly, or legally in themſelves, a juſt and valid Prejudice againſt the *Juriſdiction declined*; for ſo *all Criminals* would *decline* the *moſt juſt* and *competent* Authorities; yet where *new Juriſdictions* are formed by a *foreign Power* to the *deſtruction* of the *old eſtabliſhed Forms*, and that with a deſign to oppreſs thoſe whoſe Innocency cannot be overborn in a *legal Court*, there the *moſt Righteous Perſons* will *decline* the *new Juriſdiction*, not only on their own Perſonal Defence, but in maintenance of Regular Juſtice, and the conſtituted Authorities and Forms of Government, as my Lord of *London* did againſt the late Eccleſiaſtical Commiſſion. And whereas this Saint, who declined this *Cæſarean* Synod, was of ſo illuſtrious Eminence, Faith, and Piety, and never cenſured by any, but his Enemies, for this declination, either in that, or any ſucceeding Ages, his neglect of this Synod is vertually approved for good by the whole Catholic Church, and conſequently the pretended Authority of this Synod taken for *incompetent*, and *null*. Nor is the Emperor's Anger at him hereupon an Argument for the guilt of *Athanaſius* in this Neglect, and conſequently for the juſt Authority of this Bench. For Anger imports only a reſentment for noncompliance to ones will, whether juſt, or unjuſt; nor can it be an Evidence to juſtifie this Commiſſion, except all Wrath of Princes be always juſt, and, differring from the Wrath of other Men, *always worketh the Righteouſneſs of God.* Nay Men are generally more angry for their Diſappointments in *unjuſt*, than in *juſt* Expectations. So that the Reſult of all is, that either St. *Athanaſius* muſt be cleared, and ſo the Authority of this Synod condemned, or *Athanaſius* muſt be made Criminal in declining a juſt Authority, which latter is Doctor *Wake's* part to aſſert, and I deſire him to juſtifie it againſt my above-mention'd Exceptions, by Reaſons and Authorities of the Catholic Church, to which he ſo freely pretends, or let him come over and joyn with me in this Particular Inſtance againſt his own

Principle,

Principle, againſt which I eſteem this a very *valid* and *exemplary Precedence.*

Of the Council of Tyre *againſt* Athanaſius, *Anno Chriſt.* 335.

UPon the non Appearance of *Athanaſius* at *Cæſarea*, the Emperor was eaſily prevailed with by the Serpents to fancy this to be a contempt of him, and his Authority, without any cool or impartial weighing of the whole Reaſon and Equity hereof; and thereupon removes the Synod to *Tyre*, with a ſevere mence of Imperial Depoſition to the abſenting Biſhops; and particularly by Letter to *Athanaſius*; with a Maxim, (which no doubt the Heretic's had ſuggeſted) that *'twas not fit that any Man ſhould withſtand the Pious Decrees of the Emperor*; that ſo what *Athanaſius* did not in Conſcience think himſelf bound to do, that he might yeild to through the Apprehenſions of Terror. So that notwithſtanding the Profeſſion of Piety in this Imperial Conduct, yet there breaths in it an Air of *Domination*, rather than *pure Authority*, having no other Rule but the Emperor's Will, while there were other Rules Canonically fixed for that Cauſe, and Form of Judgment Eccleſiaſtical. For firſt, it was without the *Alexandrian Dioceſe*, and ſo againſt the rule of judging Perſonal Cauſes within the Province. Secondly, it was held at *Tyre*, where probably *Paulinus* (a known old fautor of *Arius*, and his Party) was Biſhop; † 3*dly*, Several, and thoſe the moſt potent, of his Judges had been known *Heretics*, and on the account of their *Hereſie* ſtill were his bitter and profeſſed Adverſaries, whereas, as the *Canon* admits not *Hetic's*, ſo *Nature* allows not *Enemies* for Mens Judges, and yet to theſe *Conſtantine* added ſuch Aſſeſſors as they deſired with

(1) Epiſt. *Conſt.* ad *Synod Tyr.* ap. *Euſ.* vit. *Conſt.* l. 4. c. 42. ὃ προσῆκεν ὅρῳς ἀπροκρίτοις ὑπὲρ τ ἀληθείας ἐξενεχθεῖσιν ἀντιτείνειν. Ib. *Theod. E. H.* l. 1. κ'. κη', κθ'.

† *For I do not believe that he ſucceeded* Euſtathius *at* Antioch.

(2) Epist. Const. M. ad *Synod Tyre*, ap. *Theod. E. H.* l. 1. κ'. κθ'. πάντα μοι πέπραγται ὅσα γεγράφατε ἐδηλώσατε ἀπέστειλα [σωῖ] πρὸς ἃς ἐβιάσθητε τῶν ἐπισκόπων, &c.

with all other Requests. (2) So here was not only manifest Injustice, but a Violence amounting to an *essential Nullity*, which the joynt Session of some Catholic Bishops (brought in for *sham* and *colour*) could not save; since these are to hold no Ecclesiastical Communion at all (much less *Synodical* and *Judiciary*) with *Heretics* and *Schismatics*, whose *Oaths* are not to be taken, nor *Acts* admitted *as valid* in *Synodical Registers*, because uncapable of *Christian* and *Canonical Communion*. 4*thly*, Even the Judges were under Menace to come out of their own Limits, and sit against their Wills in a *foreign* and *uncanonical Synod*, to which neither themselves nor *Athanasius* were *Canonically* subject, which adds *another Nullity* even to their mere *local Sitting* in the Council. 5*thly*, By Catholic Politie no Bishops, that were present at Canonical Councils, were to be excluded, though they came uncall'd; and yet here 40 and more *Egyptian* Bishops, (who alone were the *proper* and *Canonical* Judges) here presenting themselves, were excluded from *Session*, which creates *another Nullity*. And therefore they that bring the Convocation of this Synod as a *Precedent* for such Royal Authority of so doing, set up Sins, Madness, and Impiety against the Laws of God, Nature and the Christian Church for *Exemplary*; (3) and reproach the Cause of Supremacy, which they hereby design to advance.

(3) *Auth. of Christian Prin.* p. 39.

So much then for the Convention of this *Cætus Malignantium*, an abominable and invalid Pack and Conventicle; next let us consider their Procedures. And first at the Request of the *Eusebians*, who foresaw what Ruptures they should make, the Emperor sends Count *Dionysius*, who with the Synod was to Summon Persons to it, to oversee their Acts, and keep them in good Order, (4) with a Vengenace. Why so? If the Council were *Canonical*, and *Legitimate*, without any *Heretical* aud *Schismatical Interests*? The same *Constantine* had not put such guard upon former Councils; and in *Causes Criminal* had before this made Bishops Judges superior to all Magistrates; Which way blew the wind? What Mystery was there now on foot, that he must set a Count as a spy or Centinel upon these? What was this but a reproach and effectual Conviction of the pretended Synod? What! were they not like to give, or observe good Order?

(4) *Theod.* E. H. l. 1. κ'. κθ'.

der? Why then were they Commiſſioned? Or was there any fear from *Athanaſius*'s Intereſt ſo far from his own home, if the Deſign were fair and regular? Surely *Conſtantine* himſelf never had any Experience of any ſuch Turbulency in Catholic Biſhops, tho' he had had of thoſe, to whom he gave this Commiſſion. The Truth is, the Synod was a mixture of *volunteir Heretic's* (who were deſigned to bear the ſway) and *Catholic's*, of which laſt moſt (if not all) were forced to appear, and to give way (and thereby a ſeeming countenance) to the tragical Oppreſſion of the glorious; which that they might effectually compaſs, Counts, Jaylors, Executioners, Soldiers were procured of a decoy'd Emperor, who, while he thought to lend them *Watchmen* for *Peace*, gave them *Tools* for the *Execution* of their *Heretical Tyranny*, not ſo much as obſerving, that a guard upon the Morals of the Council and Judges was a moſt effectual *reproach*, and *nullity* to all their Acts and Determinations. I will not here amaſs the Particular Matters of this Tragical Farce to aggravate the Impiety, but only ſhew my Exceptions againſt the *Canonical Validity* of *this Seſſion*, and *their Acts*. And firſt I will produce the Hiſtorical and Judicial Account, which an *Alexandrian* Synod gave of this, which I will now tranſlate from *M. E.** and where the Greek offended the *Doctor*. *How dare they call it a Synod, in which a Count* Preſided, *and an Executioner was preſent, and a Goaler brought us* (the Egyptian Biſhops) *in inſtead of the Deacons of the Church. He alone ſpake, and they, that were preſent, kept ſilence, nay rather obeyed the Count, and whatſoever affected thoſe, that look'd like Biſhops, was by his Counſel hindred. He commanded, and we were led by Soldiers?*——*Had they aſſumed this Judgment to themſelves as Biſhops, what need was there of a Count, or Soldiers Or how were they brought together* † *by the Imperial Letters? But if they wanted the Emperor, and deſired to have Authority from him, why did they repeal his Judgment?* * To which I will add more from the ſame *Alexandrian* Synod. *But the brave* Euſebians *that they may obliterate truth, and their own writings, pretend the name of a* Synod *for their Acts, whereas the very Affair it ſelf ought to be accounted* Imperial *not* Synodical, *where a Count* Preſides, *and Soldiers encompaſs the Biſhops with a Guard and Imperial Edicts* compel *ſuch as they pleaſe to come.* So that this *Tyrian* Synod is cenſured by the *Alexandrian* as *formally null* upon many accounts. Firſt, that they came together meerly by particular directi-

* p. 160, 161

† *i. e. out of different Provinces, as pick'd men.*

* *which he had before ſeveral times given for* Athanaſius.

on, or force of the Emperor's Letters, and assumed the Judicature only upon his Authority, which originally belongs to Bishops. Secondly, That a Lay Count both *locally* and *practically* Presided in it. Thirdly, That Catholic Bishops were under the Guard of a Goaler, Executioner, and Soldiers; So that if they were any thing, they must have been a Bench only of *Imperial* Judges, who yet however acted monstrously in reversing his former Judgments. So that the *whole form* of the *Session* was Canonically *null* and not *Synodical*. And moreover, such as the *form* of the Bench was, such also were their *Acts*. For, as they excluded the 47 *Egyptian* Bishops from being *Judges*, so did they also from being *Witnesses*; but send six bitter *Heretics*, and known open Enemies of *Athanasius* (notwithstanding *his*, and the *Egyptians* Protestation) to *Mareotes*, to make inquest upon the business of the *Chalice*, upon the Evidence only of *Meletians*, and *Enemies*, refusing there also the evidence of the Catholic Clergy, under the Tyranny of *Philagrius* the *Prefect*. So that, as the matter plotted was the Masterpiece of Hell, so the whole *form* of *Session* and *acting* was *tyrannical*, and therefore *null*. I know the *Doctor's Maxim*, That actual abuse of Power is no Argument against the right of it; Nor shall I reply, *That no lawful Power can be abused*, *abuse* being nothing else but an *act* of *no lawful* Power; but First, That the *Alexandrian* Synod denies their pretended Powers to be Lawful, or Canonical; And Secondly, That without *secular force* such actual abuses had not been possible, which force therefore in Synods, being not only *needless*, but at least *dangerous* and *terrible*, cannot be warranted on a *fair Authority*, and so Commissions for it must be *void* and *inauthoritative*, even before the Commissioners *sit*, or *act*, and so are no *Exemplars* of *due Right*, but only of *Tyrannical Domination*. Perhaps it will be argued, that *Athanasius* his Appearance and Defence asserts and supposes the *validity* of the *Commission*, and *Session*, his Appeal to the Emperor being made, not against the *invalidity* of the *Session*, or the *incompetency* of the *Bench*, but the *injustice only* of their Proceedings, of which *form* and *purport* also were the *Protestations* of the *Egyptian Bishops* and *Clergy*, against the same Synod, and the Deputies. But I answer, the *Appearance* was required by force, and Terrors of Deprivation, and involuntary adduction. (5) And to avoid Terrors it was in prudence necessary to wave the *Plea of nullity* against the *Jurisdiction*, which as it would have

(5.) *Synod Alex. ap. Athan. Apol.* 2.

have been *over-ruled*, ſo would it have more exaſperated the Emperor's reſentments for his *Commiſſion*, whoſe *Authority* he had before aſſerted in his Letters of Summons, eſpecially when Pleading to the *Fact*, upon thoſe clearing Evidences, which he had, would in all human reaſon and proſpect be unqueſtionably victorious, even in ſpite of any wickedneſs and injuſtice leſs than theirs; and ſo moſt proper to clear his Innocence, confound his Enemies, end the Trouble, and give Peace to the Church. And tho' the Appeal after inſiſted moſt upon the *injuſtice*, yet his deſire of a *lawful Synod* of Biſhops was an *emphatical Stricture* againſt the *lawfulneſs* of this. (6) And thus have we ended our Conſiderations on the Seſſion of this wretched Sham-Council.

(6) *Syn. Alex.* ibid. *Tom.* 1. p. 729. C. Παρεκαιτέμεθα ἅμα καὶ τὴν νόμιμον, καὶ τὰς ἐκείνων συνοδικὰς, ἀξιῶν ἓν νόμιμον ἐπισκόπων σύνοδον συγκροτηθῆναι, &c.

Come we now to the aftergame, to diſcover the Imperial Authority over this Synod, after theſe bleſſed Acts. Where firſt occurs *Athanaſius* his appeal againſt them to the Emperor, which ſhews his *Confirming* and *annulling* Power, and conſequently is a fair Inſtance for the like in all other *Chriſtian Princes* over *Synodical Acts* and *Sentences*, if we will depend upon the *Doctor's* Principles. But hereto I reply, that the conſequence is not good from this Council, *Commiſſioned* by an Emperor, *to ſuch as are not ſo*. Secondly, the Appeal here is againſt the Acts of a *Sham-Synod* ſitting upon an *invalid* and *inauthoritative Commiſſion* of the Emperor; for *Athanaſius* would never have appealed to the *Emperor* againſt a *pure Canonical* Council, tho' called by the Emperor; and ſo this can be a *Precedent* only *againſt* the Acts of Councils not own'd by the Church for *valid*, but only ſitting upon the *uncanonical* and *inauthoritative call* of Princes, whoſe *Acts* can have no *Right of Exemption* from *Appeals* to the *Kings that call them*; but this can by no means be an *exemplary Prejudice* againſt the *Acts* of *Canonical Synods*, by whomſoever call'd, to ſubject them to a foreign Appeal before a Prince. And yet if we may collect the *Right* of *Canonical Councils* from the Senſe and Behaviour of this, which pretended to be ſuch, we ſhall be apt to conclude it for the certain Right of Synods to be liable to no ſuch Appeal. For upon *Athanaſius* his Appeal, the Emperor Summons them all to Court, and to account for their Acts; but inſtead of obeying, they only ſent ſix Deputies, and they, inſtead of defending their Acts, only enter a new

accuſation, which, being received without Proof, oppreſſed *Athanaſius*, and ſo we hear no more news of the Appeal, to which they ſubmitted not their Sentence, and which *Conſtantine* held good, notwithſtanding he had received the Appeal, and ſo let it fall.(7) Beſides it muſt be remembred, that *Athanaſius* his Enemies had appealed from the Emperor's abſolving Sentences to a Council, which he therefore granted them as ſuperior (in *ſuch Cauſes*, and upon *ſuch Perſons*) to his own, and therefore properly unappealable to his Judgment, So that to conclude, all theſe tumultuary Acts either conclude nothing at all of Right, or elſe againſt that very Authority which the *Doctor* herein aſſerts to all Chriſtian Princes, And I freely leave the *Doctor* to take his Choice, for to more than this the Hiſtory and Tranſactions of this *Mock-Synod* can by no means amount, a Synod condemn'd for *null* thro' all after Ages.

(7) *Soz.* E. H. l. 2. κ, κ. θ.

VI. *Of the Council of* Jeruſalem *abſolving* Arius *and* Euzoius, *Anno* 335.

AFter this Tragedy upon *Athanaſius*, this worthy Council was commanded or ordered to go to *Jeruſalem*, to ſolemnize the Dedication of the Church there built by the Emperor. And being there, the Emperor ſends them *Arius* and *Euzoius* to *have their Faith, or Creed examined by them, as more proper and Authoritative Judges than himſelf, according to the Eccleſiaſtical Law*; (1) till whoſe Judgment he durſt not receive them into Communion. Had his Imperial Majeſty lived here in our days, and taken Advice of *ſome Court Divines*, he needed not have been ſo nice, They would have told him, that he was the only Arbiter of Church Laws, Canons, and Judgments, and that his Cognizance and Sentence was Paramount and final. But the Emperor had not ſo learn'd Chriſt; but he only writes a recommendatory Letter to them in favour of theſe *Heretics*, willing them to paſs a kind Sentence on them, if they ſhould find them orthodox, and injured, or penitent. This the good Synod received gladly; 'twas the great buſineſs

(1) *Soz.* E. H. l. 2. κ, κς. ὁ μὲν ἑαυτῷ ἐπέτρεψεν εἰς κοινωνίαν αὐτοὺς δέξασθαι πρὸ κείσεως καὶ δοκιμασίας τῆς τότε κυρίων † [ita legend. cenſeo] καὶ τὸν νόμον τῆ ἐκκλησίας.

sineſs they had long wish'd for and contrived; and so immediately absolve and receive them as orthodox, innocent, and injured Persons, and with great Assurance recommend them Synodically to the then widowed Church of *Alexandria* as good Catholics, subtilly and invidiously pretending the Testimony and Order of the *Emperor*'s Letter, in obedience to which they had thus preceeded. But all this was refused as *null* and *invalid*, because contrary to Canon, notwithstanding all Pretences to Imperial Direction, not only by the Churh of *Alexandria*, but the very Bishop of the Imperial City *Constantinople*, where the Court at that time was. Terrors enough were offered by the *Nicomedian*, and the *Emperor* too at his Sollicitation, yet nothing could bend the good Father to receive *Arius* as a Priest, or Communicant, on such a *null* and *uncanonical* Absolution. But Violence was resolved to have its way, and *Arius* on the next Lord's day was to be brought in by force to the Church and Altar, and obtruded upon the Bishop *vi et armis*. Against which Insolence he had no hope or succour, but in his God and Prayers; and to these he betakes himself on the precedent *Saturday*, and mourning, lifting up his Hands, and casting himself on the Pavement of the Church, he Supplicates God, if *Arius* must be brought into Communion, to take himself away before the time, or otherwise in compassion to the Church to take away *Arius*; and God heard his Prayer, and *Arius* died that same day in a Privy, like *Judas*, with an effusion of his Bowels. Now had this only been an unjust Procedure, but in form *Canonical*, *Alexander* ought to have acquiesced, and have yeilded him Communion, but it being a violation of the Church, and the sacred Laws of her Communion, he resisted it successfully, God appeared in vindication of the Churches Cause and Rights.

(2) Athan. *con.* Arian *Epist. sive Orat.* 1. *Tom.* 1. *p.* 301, 302. Theod. *l.* 1. κ'. κθ'. *His Prayer was*; Εἰ Ἄρειος ἄνειον σωάγεται, ἀπόλυσον ἐμὲ τὸν δέλιόν σε, καὶ μὴ σωαπολέσῃς εὐσεβῆ μετ' ἀσεβῶς· εἰ δὲ φέδη τ ἐκκλησίας σε οἶδα ὃ ὅτι φέδη· ἔπι δε ἐπὶ τὰ ῥήματα τ θεὸ τ Εὐσέβιον, καὶ μὴ δῶς εἰς ἀφανισμὸν καὶ ὄνειδος τῶν κληρονομίαν σε, καὶ ἆρον Ἄρειον, ἵνα μὴ ἐσελθόντ@ ἀυτὸ εἰς τὴν Ἐκκλησίαν, δόξῃ καὶ ἡ αἵρεσις σωεισέρχεσθαι ἀυτῳ, καὶ λοιπὸν ἡ ἀσέβεια σωεισέλθῃ ὡς εὐσέβεια.

VII. *Of Councils not called by* Constantine the Great.

THese Six Councils before considered are all that History hath informed us to have been called by this Emperor throughout all his vast Empire, and a long Reign of above 31 Years. But 'tis not possible for Imagination with all its Powers to conceive there were no more in all that great Empire and Reign. The Councils called upon the business of filling vacant Bishopric's must needs be very frequent and numerous, besides infinite others upon ordinary Occasions. But the stated ones, long before the Council of *Nice*, must be yet far more numerous, having been universally Celebrated † by the 37*th* Canon Apostolical for Judiciary Proceedings twice a Year, and this without any his Imperial Authority. For we are not to think, that these ceased at the beginning of his Reign, or his Oral Profession of Christianity till the Council of *Nice*, either of themselves by the Churches bare Omission, or any Imperial Prohibition. All which are a cloud of Witnesses against the *Doctor*'s Pretensions, that after the Emperors professed Christianity, and espoused the care of it, all Synods convened by their *Sole* Authority. And let the *Doctor* get off of this if he can. However there are some particular Councils *Occasional* upon Record of History, which plainly appear to have *convened*, and *acted* altogether without any the least Concerns of the Emperor. I will not insist upon the Council of *Carthage* against *Cicilian*, *Anno* 311. though it is probable that *Constantine* was then Lord of *Afric*, since on the next Year he sent his Largesses to that Church. Nor those of *Ancyra*, and *Neocæsarea*, *Anno* 314. because perhaps *Licinnius* was then their Lord, but, notwithstanding the Chronological Differences of Authors, these following Councils were unquestionably within the Dominions, and under the Reign of *Constantine*, the Council of *Alexander* at *Alexandria* against *Arius* and his Complices, *anno* 322. The mock-Council of *Bithynia* for *Arius*,

† *at least in the East.*

anno

anno 323. The Council of *Alexandria* under *Hosius*, * *anno* 324. The Council of *Antioch* against *Eustathius*, *anno* 330. and the Council at *Constantionple* against *Marcellus*, *anno* 336. All which *convened* and *acted* without any Imperial Commission or Authority; and are five full exceptive *Precedents* in this one Reign, within 15 Years, against the *Doctor's* first *Aphorism* of *Right*, and *General assertion* in *Fact* *,

* *Note that though* Hosius *was sent by the Emperor to mediate a Peace, yet not with an* Imperial Mandate *for a Council; it seeming rather a work of Prudence and Accord between* Hosius *and* Alexander; *wherein* Colluthus *and his Creatures were degraded without any Imperial Authority.*

* *See Divis* 1. c. 4, 5.

Councils called by Constantine the Great.

Council of *Rome*,	*anno* 313.
Council of *Arles*,	*anno* 314.
Council of *Nice*,	*anno* 325.
Council of *Cæsarea*,	*anno* 334.
Council of *Tyre*,	*anno* 335.
Council of *Jerusalem.*	*anno* 335.

Councils not called by Constantine the Great.

Council of *Alexandria* against *Arius*,	*anno* 322.
Council of *Bithynia* for *Arius*,	*anno* 323.
Council of *Alexandria* under *Hosius*,	*anno* 324.
Council of *Antioch* against *Eustath.*	*anno* 330.
Council of *Constantinople* against *Marc.*	*anno* 336.

Præter cetera dubitata.

VIII. *Reflexions upon the Imperial Conduct of* Constantine *in the* Arian *Cause.*

And now after these Accounts of the Principal Pieces of *Constantine's* Conduct in the *Arian* Cause, it may not perhaps be improper to reflect a little upon the effects of his *Penalties.* It is not to be doubted, that when Schisms proceed to the breach of Civil Order and Peace, but such Rupture is properly punishable by any Princes whatsoever.

And therefore such *Penal Threats* or *Inflictions* upon the *Donatists* on the account of their Turbulency were very Regular; but here appear no such Tumults in the *Arian* Cause till after the *Nicene* Council. The Schism indeed was great and flagrant within the Church, and which it became the Zeal of the Emperor to compose by *fair Mediations*, and *Canonical Decisions*. But when these had been past by the *Nicene* Council, he proceeds farther to banish the Anathematized, and to expose their Names to reproach, to burn the *Thalia* and the Writings of *Arius*, &c. and to threaten beheading to the Concealers, and to stigmatize the *Arians* with the name of *Porphyrians*, and to threaten banishment to any opposers of the *Nicene* Acts herein, and all upon the mere account of the *Heresie* and *Schism*, *as such*. It does not (I thank God) appear, that the Church prompted him to this, but his own Zeal only; For whatsoever it may become Princes *civilly* to enact or prosecute against *Schisms*; yet till they break the *Civil Peace* and *Quiet* in Mens *Persons*, *Reputations*, or *Possessions*, it cannot become the Church to sollicit their secular Punishment. Conversion ought to be our only aim upon such Sins, which may be wrought by Patience, Meekness, Charity, and Canonical Discipline all joyn'd together, but never by *Secular Prosecutions* made by *Ecclesiastics*, on the mere account of *Heresie* or *Schism*. For these look like the Operations and Signs of Hatred, and consequently cannot be proper to convert. Nor did this Emperor's voluntary Zeal herein effectually contribute to the Churches Peace. His Lenity had saved about 16 *Arian Bishops* from the *Nicene* Censure; these were inwardly grieved at the fall of those that were Censured, and so fell under the Imperial Punishment. And they found a way to raise an *Odium* on the Sufferings of their Brethren, even at Court, and thereby to procure their Relaxation. This obtained recovered the confidence of the whole Party, as a Presage not only of *Emersion*, but *Victory*, and *opportunity to Revenge*; and therefore they solicited this their Design with all possible Art and Application, till they had by their Impostures, and Criminations of *Athanasius*, *Eustathius*, and other chief Pillars of the Catholick Faith, gotten the *Imperial Interest* on their side, and so oppressed these Worthies, and in them the Church, which they disturbed, and corrupted farther by their violent Introducton of their Partisans into it, and the Government of it. Thus the *Imperial* Terrors and Caresses

first

first made them *Hypocrites*, and soon after *Tyrants*; They lessened the aw of Ecclesiastical Censures and Authority as insufficient Methods against Heresie and Schism, and yet at the same time brought an odious clamour of Persecution against the Church, and so gave colour for Revenges and Reprisals; and so the *Schism* past at length into a *State of War*, while each Party contended for the *Secular Arm* and *Interest*. Had then this, and following Emperors forborn their Interpositions in Causes purely Ecclesiastical, and the Church deprecated against the Secular Prosecutions of the Heretics while guilty of no crime against *Civils*, and so clearly thrown off the *Odium* and Imputation of them from her self, as St. *Martin* did in the Case of *Priscilian*, and as the Church did for the *Donatists*, till they grew so *sanguinary* and *intolerable*; the State of the Church and Empire had very probably been much more quiet than it was, and there had been no need of so many extraordinary and general Councils, called by Princes to good intent indeed, but little or no benefit, because of the Secular Consequences, falling so hard and heavy on the condemned Parties, and, instead of converting, animating them to Seditions and Revenge. Let the Church alone to govern and purifie her self by her own Internal Powers and Methods, and she needs fear no Heresies, which though they will ever arise among wicked Men, especially when cast out of Communion, to exercise our Patience; yet will they at the same keep us upon our guard and diligence, and thereby secure us of a glorious Victory over them and the World, without any the invidious and ineffectual Succors of the World, which are a *Reproach* rather than a *Defence* to the Faith and the Power of Godliness.

IX. *Of the Council of* Constantinople *against* Paul *the Bishop*, Anno Christi, 338, *&c.*

OF the Three Sons, to whom *Constantine the Great* divided the Empire by his last Will, *Constantine*, and *Constance* in the *Western* Parts retain'd the Catholic Faith; but in the *East Constantius* had imbibed the *Arian* Corruptions from his Empress, as she had from the Eunuchs and the Presbyter that had given *Constantius* his Father's Will, by

by whom the *Arians* had their firſt and greateſt Influences. Now *Conſtantius* being thus tainted, the Court began to raiſe Diſputes upon it, which propagated ſoon into the City of *Conſtantinople*, and from thence through other Provinces, and Cities of the *Eaſt*. According to which difference between theſe Imperial Brothers in Principles of Faith, we ſhall find different Court-Policies, about Synods, and Matters Eccleſiaſtical, to the injury or preſervation of the Canonical Rights, which is the thing to be traced in the Hiſtory of theſe Reigns, begining firſt with ſuch as were managed by Imperial Order.

The firſt of this kind was that which *Conſtantius* called at *Conſtantinople*, *Anno* 338. to depoſe *Paul*, who after *Alexander* had, in *Conſtantine*'s time, been choſen Biſhop of *Conſtantinople*, but baniſhed by the *Arian* Perſecutions, and after the Death of *Conſtantine the Great*, by the Accord of the Imperial Brethren return'd from Baniſhment to his See and People. But now *Conſtantius*, being made *Arian*, eaſily conſpires with the *Heretics* (unhappily by his Father's Lenity and Mediation continued in the Church) to his Expulſion. And therefore for a falſe colour of proceeding Canonically he calls a pretended Synod of the *Arian* Faction at *Conſtantinople*; in which *Paul*, by the Teſtimony of his Prieſt *Macedonius*, who had been practiſed with to charge his Biſhop with a ſcandalous Life, was depoſed, but wholly by the irreſiſtible Intereſt of the Emperor, on which account *Sozomen* and *Socrates* attributed the Deprivation to *Conſtantius*. (2) Upon which *Euſebius* makes a *ſecond uncanonical leap* from *Nicomedia* to *Conſtantinople*, ſtill following the Court, as much as he could. All which Procedure was *violent* and *uncanonical*. For the Emperor being an *unbaptized Heretic*, had no power to call or pack an *Heretical Judicatory*, or *Synodical Bench* on Matters Eccleſiaſtical, and much leſs to deprive a Catholic and Canonical Biſhop. Nor had ſuch an *Heretical Club* any *Right* to Eccleſiaſtical Authority, being, *as Hereticks*, really no Biſhops, but *de jure* even out of Communion. And therefore the whole Tranſaction was not only very wicked, but formerly *null* and *void* in it ſelf from the beginning to the end. But ſtill it confirms our Obſervation, that *Heretics* and *Schiſmaticks* firſt began this Practice of engaging Emperors; and they, that could inſinuate ſo much into a good Catholic Emperor, by impoſing on his credulous Lenity and miſtaken Politics, having gotten an Emperor of their own Principles, began herein this firſt Inſtance to ſhew what they *could*, and *would* do

(2) *Eccl. Hiſt.* l. 2. κ'. ζ'. *Soz.* l. 3. κ'. δ'.

do by his Countenance and Cruelty. For this Scene was but the beginning of Sorrows.

X. *Of the Council of* Alexandria, *Anno Chriſti*, 338, *vel* 339.

A Second Council under this *Triumvirate* was held and called alone by *Athanaſius* at *Alexandria* upon his Reſtitution from Baniſhment, *anno* 338, *vel* 339. wherein they juſtifie *Athanaſius* and condemn the Synod of *Tyre*, though *called* and *affirm'd* by *Conſtantine*.

Under this *Triumvirate*,

Council called by Conſtantius,

Council of *Conſtantinople*, *anno* 338.

Council not called by Conſtantius,

Council of *Alexandria*, *anno* 338, *vel* 339.

XI. *Of the Council of* Antioch, *Anno Chriſti*, 341, 342, *&c.*

After the Death of *Conſtantinus*, and the Advancement of the *Nicomedian* to the See of *Conſtantinople*, *Conſtantius* had a Church to be Dedicated at *Antioch*, and on pretence of *that* he called a Council thither, but with a real intent to baniſh the ὁμοούσιον, and its great Defender *Athanaſius*. Hither aſſembled 96 Biſhops out of ſeveral Provinces and Countries, as *Cæloſyria*, *Phœnicia*, *Paleſtine*, *Arabia*, *Meſopotamia*, *Cilicia*, and *Iſauria*, of which 36 were really *Arians*, who through the Imperial Intereſt, by Art and Awe, carried all; though the Emperor made no viſible appearance in the Affair, that it might ſeem Canonically free, and voluntary. They made two diſtinct *Seſſions*, in two diſtinct Years;

Years; in the 2*d* of which they depoſe *Athanaſius* uncited and abſent, on pretence, that he had reſumed his Chair uncanonically, without being firſt Synodically diſcharged from the *Tyrian* Sentence, and ordain one *Gregory* to ſucceed him without any pretence of Canonical Election at *Alexandria*, whither they ſend him with *Imperial Guards* to take poſſeſſion of that See, the Emperor however pretending to no more Authority herein than to defend (forſooth) the Synod at *Tyre* according to the Judgment of this at *Antioch*. (1) And here let us obſerve, that *Conſtantius* himſelf had *permitted* and *admitted* his Reſtitution, notwithſtandihg the *Tyrian* Sentence, which by Doctor *Wake*'s Principles he might do, having an Imperial Tranſcendent Authority to have vioded any even valid Synodical Sentence, and which on theſe Principles he actually did by his Reſtitution of *Athanaſius*. But ſee now, *Conſtantius* knew not this Power. His Conſcience apprehended what this Council of *Antioch* had definitively taught him, that the *Tyrian* Sentence held *valid* againſt the *Imperial Reſtitution* of *Athanaſius*, which no *Imperial*, none but a *Conciliar* Sentence could *annull*; and therefore (good Man) he muſt now defend the Authority of the *Tyrian* Sentence againſt his own Act, which he therefore in Duty to the Canons reverſes; and ſo ſends Guards to defend *Gregory*. And yet this Conſtitution of *Gregory*, made by an Imperial Synod, and confirm'd by the Emperor, was ever from the beginning eſteemed *null* by the whole Catholic Church; and was formerly condemn'd as ſuch by Pope *Julius* a little after in a Council at *Rome*, which was not within the Dominion of *Conſtantius*, but *Conſtans*; which could not poſſibly have been done upon Dr. *Wake*'s Rules of Regal Right and Supremacy; and yet what this *Roman* Synod did, the whole Church has ever every where approved.

(1) *Socr.* l. 2. κ'. ν'. *Soz.* l. 3. κ'. ε'. *Socr.* l. 2. κ'. ι'.

But this *Antiochian* Council had not only Sentences to paſs, but Creeds to make, one, two, three, and four; for which as there appears in Hiſtory no *Imperial Warrant*; ſo neither had they any form of *Imperial Ratification*; the laſt of which their Legates preſented *unratified* to his Imperial Brother *Conſtans*, which they never durſt have done, had *Conſtantius*'s Ratification been eſſentially *conſtitutive* of, and ſo *neceſſary* to its *validity*.

But this Council did not only on their own Authority eject *Athanaſius*, ſubſtitute *Gregory*, and hatch *Creeds*, but they alſo formed 25 *Canons*, to which we find no *Order*, *Inter-*

vention,

vention, or *Confirmation* of their Emperor, nor any desire thereof, but they look upon them as first *Authorized by themselves* for their own Districts in all their several Provinces, and desire their *farther Reception* and *Confirmation* in all other Churches *only from their Bishops*, not their *Emperors*. (2) Whereas upon Dr. *Wake*'s Rules they for the *Eastern* Empire ought only to have requested the *Confirmation* of *Constantius*, and of *Constans* for the *West*.

(2) *Syn. Antioch ad sing. Provinc. Epis.* ὅτι καὶ αὐτοὶ συμπένυσε —— τὰ αὐτὰ ἡμῖν συμφωνήσαντες καὶ ὁεισάμενοι, καὶ τὰ ὀρθῶς δόξαντα ἐπισφραγισάμενοι, καὶ ΒΕΒΑΙΟΥΝΤΕΣ τῇ τοῦ πνεύματος συμφωνία, &c.

But though they all along assert the Synodical Authority independently from the Emperor, yet the effects thereof they were willing to secure by *Imperial force*. They considered their Practices all along with the Emperors in the Synods of *Cæsarea*, *Tyre*, *Jerusalem*, at *Constantinople* against *Paul* and now against *Athanasius*; and they knew that where Emperors had been concern'd, there they had, and would be complain'd to upon Persecution. They therefore having gotten secure of an Emperor for their turn to defend them in their Insolences and Tyrannies, pass their 5*th* Canon in colour against Disturbances, but in truth to oppress the Innocent irremediably. *That if a Schismatical Clergy-man shall not obey his own Bishop*, * *he shall be unpardonably deposed*; *and if he shall continue troubling and subverting the Church*, *he shall be turn'd over as a seditious Person to the Secular Power*, *to be chastised thereby*. And thus the fatal Mischief began to be established by a Law; and from this Fountain issued all the after Plagues and Persecutions on all hands, which the *Heretics* carried on stoutly from this time, wherever they had Power; and so, when they had not, deservedly brought upon themselves some of those troubles, which they prepared for Catholicks; but to the general scandal of Christianity, and confusion of the Church ever since. Since where Errors and ill Practices are established by force, they admit no Remedy, but by Martyrdom; and where there are no secular Laws, the sacred Authority of the Church being lost, the multiplicity of Whimsies distracts the World into Parties, Superstition and Atheism; so that there remains now no face of Primitive Christianity in Christendom. But these *Antiochians* had expelled *Catholics*, and put in *Heretics*, and so

* That is, *Gregory* of *Alexandria*, *Eusebius* of *Constantinople*, and all other Intruders.

ſo put Men under the neceſſity of a ſeperation from them in point of Conſcience; for which they would deliver them over as ſeditious to ſecular Oppreſſion for Catholic duties, tho' they *themſelves* were the *Schiſmatics*. They at the ſame time forbid Appeals to Emperors on pain of irremiſſibility; if ſo, why do they turn over pretended Offenders to thoſe Powers, before whom yet they will allow them no Apology? But with what Juſtice are ſuch Appeals forbidden, if Kings muſt puniſh Men, cenſur'd by their Biſhops, for matters merely Eccleſiaſtical? What muſt they do it without hearing their Cauſe? Here, here began that abominable Conſtitution, kept up to this day in a moſt barbarous manner in the *Roman* Church. But take the Canon in the faireſt ſenſe of the Letter, and ſuppoſe ſuch *Schiſms* made againſt good Biſhops by ill Clergy-men; why had they not been content with the antient Eccleſiaſtical Diſcipline, which had ever hitherto been ſufficiently effectual againſt *Schiſms?* Why ſhould they require more than their Fathers, to ſuperenduce a contempt of the Keys, and lay a way for eternal Hatred and Perſecutions? Yet this they did, eſtabliſhing hereby their paſt wicked Practices; and the Miſchiefs of it affect all Chriſtendom to this day. And even *this*, and the 12*th* Canon againſt Appeals to Princes, they eſtabliſhed on their own pretended Synodical Authority, without any *Imperial Warrant* or *Ratification*; which had been impoſſible had the Doctor's Rules been received in thoſe Ages. But after all, *Athanaſius* finding what they had done, and that a Force was coming with *Gregory* to *Alexandria*, flies to *Rome*, and complains to Pope *Julius*, that he might interpoſe againſt theſe Proceedings, and put a Canonical ſtop to them. The Pope hereupon ſends and enquires about *this* matter, and *that* of other Exiles; and condemns their Canons for invalid, as made for the Catholic Church without him. They thereupon refer the Cauſes to the Pope and his Council; and he thereupon cites them to appear at *Rome* on a day prefixed, and upon their *non-appearance*, *Athanaſius* and the others are acquited, on a full hearing of their Cauſes. But how could all this have been done or attempted, had the Catholic Rule been, that all Synodical Conventions, Acts, Canons, and Sentences are purely of *Imperial Authority*, and Synods in themſelves *of Council only to the Prince?* How came it to paſs, that the Pope ſhould interpoſe his Cenſures and Inhibitions on their Proceedings, and that th

ſhould refer their Acts confirmed at home by their own Emperor (if they had been ſo) to a foreign Council under another Emperor, and thereby betray *Conſtantius* their great Patron's *Imperial Authority?* Upon all, the matter comes by particular Application to the Ears and Care of *Conſtans* the *Weſtern* Emperor, who thereupon writes to his Brother *Conſtantius* to ſend him three Biſhops to account for the expulſion of *Athanaſius*, and *Paul*. Hence *Narciſſus* of *Irenopolis* in *Cilicia*, *Theodorus* of *Heraclea* (or *Perinthus*) and *Marcus* of *Arethuſa* in *Syria*, † are ſent unto *Conſtans*, who, refuſing to ſpeak with *Athanaſius*, juſtifie their Acts againſt him and *Paul* from the internal merits of the pretended Cauſe, and on *their own*, but not at all on *Conſtantius* his Authority. (2) But what pretence of Authority could *Conſtans* have had for ſuch demand upon his Imperial Brother? What reaſon had *Conſtantine* to admit and comport with ſuch demand, and not inſiſt upon his own ſupreme and final Authority in Authorizing and Confirming ſuch Deciſions? What! was he ſo far forſaken on all hands, as to forſake or forget himſelf, and a Power belonging to him upon Principles Catholicly recognized? Poor *Conſtantius!* how little didſt thou foreſee, that in after Ages more Authority ſhould be given thee, than thou and the whole World about thee ever dreamed of, and that thou ſhouldſt be made a *Precedent* in a *Spiritual Omnipotency*, who hadſt ſo little Intereſt or Acknowledgment in the Catholick Church?

† *Socr.* adds *Maris* of *Chalcedon*, l. 2. c. 18.

(2) *Soz.* E. H. l. 3. c. 7.

XII. *Of the Council of* Sardica *upon the Cauſe of the Catholic Exiles*, Anno 347.

THE *Arian* Creeds and Dealings in the *Eaſt* finding no manner of Countenance with the *Weſtern* Synods and Emperor, *Conſtans* hereupon writes to *Conſtantius* for the Reſtitution of *Athanaſius*, *Paul*, and others, that were in the ſame Cauſe and Circumſtances; in which being denied, he writes to him again for a General Council to be convened at *Sardica* in *Illyricum* within *Conſtantius*'s Dominion, and this was granted. (1) But how ſilly was *Conſtans*, the *Weſtern* Biſhops, nay and the *Eaſtern* Complainants, that they did not ſee, that this Council, being within *Conſtantius*'s Dominions,

(1) *Socr.* l. 2. c. 17. *Soz.* l. 3. c. 11.

Dominions, should only be *of Counsel to him, and to have no Authority but from him, his License and Confirmation, and be entirely in his Hands, as to matter, manner and method of Deliberation, as to their Definitions, Canons, and Sentences, to be confirm'd or annulled at his sole Discretion?* How vain were they to imagine and design, that *Constantius* his past Acts upon the Exiles were to be *confirmed* or *cancelled* by the Sentence of this Synod? What! could they hope for any redress from the notorious Violences of *Constantius* and his *Arians*, where *Constantius* himself was in his sole Right supreme Lord, and finall Judge, and Arbiter over the Synod? Nay had the *Doctor*'s Principles been then received, how could the Eastern *Arians* have sneaked so away from *Sardica* to *Philippopolis*, since all was their own more at *Sardica*, where they and their Emperor could have determined all more fairly, than at *Philippopolis?* Beside, they were ordered by *Constantius* to sit at *Sardica*; how could they *recede thence without his License*, as they did, but upon *their own presumed Right of Self-dissolution*, and *Recess without it?* On which they were never blamed as disobeent to *Constantius* his Authority, but as cowardly, confessing thereby a guilt in their former Acts, and present Conscience. When they came to *Philippopolis*, they held a *Session* there without any Warrant from *Constantius*, where they not only renew their former Acts and Sentences against the Eastern Catholics, but also condemn a new Pope *Julius*, *Hosius* the Confessor, and *Maximinus* of *Triers* within the Western Empire under *Constans*, without so much as *Imperial Authority* pretended, or pretensible; to be quit (it seems) with the *Sardicans*, who had condemn'd all their Acts at *Tyre* and *Antioch*, and several of their Ringleaders, and absolved *Athanasius*, *Paulus*, *Marcellus* and *Asclepus*, and had written Letters of Precept for their Restitution to their respective Places and Churches, in their own Name and Authority only, without any respect to what *Constantius* had done, or to any his present *Consent* or *Ratification*. But having so done, *they desire the Emperors to remit the Persecution, and order their Secular Judges to concern themselves only with civil matters, and not, under pretence of the Churches, to attempt any thing against the Brethren*, &c. (2) which is a shrewd Prejudice against this sort of Supremacy now so much advanced and adored; since here both Parties, *Catholic* and *Heretical*, exercised an Ecclesiastical Authority over *Persons* and *Places* in other Princes Dominions, without any

(2) *Athan. Ap. l. 2. Tom. 1. p. 769.*

any deference to the *Princely Authority*, nay *contrary* to their *Acts*, *Principles*, and *Consent*. And *Constans* looking on the *Sardican* Decrees to be *final* and *obligatory* on both the Emperors, required of *Constantius* the restitution of the Oppressed, and the allowance of the *Sardican* Decrees under peril of War, to which *Constantius* conceded, even by the advice of his own *Arians*. (3) So much then for the Cause of the Oppressed. Next let us note that they passed *Canons* also, and that without any *Direction*, *License*, or *Confirmation* of either Emperor, upon their *own alone professed Authority*; and the 3*d*, 4*th* and 5*th* for Appeals to *Rome* from Provincial Synods, held as well in the Eastern as Western Empire; not that the Pope was to determine finally on such Appeal, but to assign a new hearing by such Judges as he was empowered by this Council to give or order, if he saw cause, allowing no Appeals of any kind unto Emperors. And this Authority they gave the Pope in honour to St. *Peter*, whose Successor he was universally owned to be. Nor may we think that this was a mere wanton Frolick of the Synod, and that in pursuance of a close design of *Julius*, but it seemed a wary Provision against the *Insolence* and *Schism* of the *Eastern Arians*, who confiding on the Imperial Interest, and not valuing their ἀκοινωνησία, or disjunction from the Western Church, were otherwise likely to run down all the Catholics in the East with violence, which these Canons seem designed effectually to prevent. But this Papal Power, that seem'd so necessary then, grew from this Original to an Usurpation of *that See* over the Church Catholic. And thus to fly from the *Imperial Supremacy*, that in the East look'd so gloomy upon the Church, they fled to an Expedient of granting some little *interjudicial* Supremacy to the Pope, which after was improved to that monstrous Tyranny, that is at this time the plague of the Christian Church. Thus *Arians*, introducing *Imperial Interests* into the Business of the Church, gave the first, but fatal occasion to the *Papal Supremacy*.

(3) *Theod.* E. H. l. 2. c. 4.

The last thing to be considered is the *Self-dissolution* of the *Sardican* and *Philippopolitan* Synods without any *License* of *Constantius*, directly contrary to Doctor *Wake*'s 9th. *Aphorism*.

Under this *Duumvirate.*

Councils called by the Emperor.

Council of *Antioch*,	*anno* 341.
Council of *Sardica*,	*anno* 347.

Councils not called by the Emperor.

Council of *Rome, sub. Jul.*	*anno* 341.
Council of *Antioch*,	*anno* 345.
Council of *Milan*,	*anno* 346. *vel* 350.
1 Council of *Carthage*,	*anno* 348.
1 Council of *Sirmium*,	*anno* 349
Council of *Jerusalem*,	*anno* 350.
Council of *Alexandria*,	*eod.*

XIII. *Of the Council of* Arles, *Anno* 352, *vel* 353.

WE are now come to the Reign of *Constantius* alone after the Excision of *Constans* his Brother, and *Magnentius* the Tyrant, when he had liberty to give his humours their free and full swing without danger, or controll; by the Impulse of which he and his *Arians* were wholly employ'd in calling pretended Councils upon the Catholics, and their *summa papavera*, whom upon the Synodical Sentence he constantly banished, and from two or three unhappy Instances in his Father's Reign he created a custom to a most cruel and unnatural Persecution under the form of *Law* and *Prescription*, (1) than which there can be no greater Plague, nor provocatian to Divine Vengeance. Now I do not think it necessary, or convenient *critically* to traverse all these his Synods, but only such as were very particularly corrupted by his *violent interposition* and *management*. Now the first of these

(1) *Nicet.* in vit. St. *Ignat.* C. P. χεσνίσασα γὰρ ἡ κακία, καὶ πολλοῖς ὑποδείγμασι παγιωθεῖσα, νόμῳ γενόμισαι τοῖς ἀνομοῦσι, καὶ τὸ ἄθεσμον ἔθος εἰς φύσιν τρόπον τινὰ τοῖς καταφρονηταῖς, καταστάν, ὅλων ἐπικρατεῖ τὸ Θεῷ τῶν ὅλων.

theſe was the Council of *Arles*, in which he deſigned the Condemnation of *Athanaſius* even in the *Weſt* alſo, to which whoſoever ſhould refuſe to ſubſcribe, he was to expect an inexorable Baniſhment. To this Council Pope *Liberius* ſent *Marcellus*, and *Vincentius* of *Capua* for Legates. They declare that they would ſubſcribe the Sentences of the *Eaſterns*, if the *Eaſterns* would firſt condemn the Doctrine of *Arius*, and ſo they go to the Council; where *Valens* and the *Eaſtern Party* tell them, that they cannot condemn *Arius*'s Doctrine, but require only that *Athanaſius* may be put out of Communion, and after that they would treat of the Faith. And to this they compel all even the Popes Legates † except *Paulinus* Biſhop of *Triers*, who was therefore Baniſhed. (2) Upon which I firſt note, that if the Pope were called, yet he went not in Perſon, nor is he blamed for Abſence, while he only ſent his Legates: But if he were not called, and yet ſent Legates to ſit in his Name, then they ſate not on the *Imperial*, but *Papal* Right and Authority; and how could this be, *if Synods are only of Counſel to the Prince?* And farther, upon this ſame *Hypotheſis*, how could the Catholics be compelled to paſs Judgment upon *Athanaſius?* Mere Councellors have of themſelves no *judiciary* Power. What! were they Authoriſed by the Emperor by a Particular Commiſſion; That does not appear? nor is it pretended in the accounts of this Council. Nor yet can it be ſuppoſed, that Men ſhould be made Judges againſt their will, nor do condemn thoſe, who had been before condemned by *Imperial Judges*, by a *Second Sentence*, which alſo ſuppoſes an *invalidity* and *defect* in the *former*; and if any Man can be forced to be a Judge; yet not to paſs Judgment againſt his Conſcience, to gratifie the Arbitary Will of the Prince. But neither ſide had any of the Doctor's Notions. They all knew that the Authority of Cenſure was *Synodical*, the *univerſal validity* or *effect* whereof an *univerſal Acquieſcence*, *Reception*, and *Conſent* in every Provincial Colledge or Synod, was neceſſary according to the Forms of Eccleſiaſtical Polity. So that theſe violent Synods, that ſeem moſt to preſcribe for the Doctor, do really deſtroy him by *their own Principles*, as well as *their Nullity*, that was conſequent upon that Violence,

† *For which they were cenſured by the Pope as Proditors.*

(2) Vid. *Liber.* Epiſt. 2. *ad Conſtantium. Athan.* Apol. 2. *Sulpit. Sever.* l. 2.

which the Doctor juſtifies for *formerly Valid* and *Canonical*, though condemned *as Null* by the Univerſal Church.

XIV. *Of the Council of* Milan, *Anno* 335.

After this fatal Miſcarriage at *Arles*, *Liberius* hoped to recover the Fault by a General Council in *Italy*, which he craved of the Emperor with a deſign to relieve *Athanaſius*, and put a ſtop to the Emperor's Courſe of Perſecutions. The Legates employ'd in this Petition were *Lucifer* of *Calaris*, *Euſebius* of *Vercelles*, *Pancratius* a *Preſbyter*, and *Hilary* a *Deacon*. The Emperor and his Party ſmelt the Deſign well enough; but, like through pac'd Politicians, thinking to out do the Catholics in their own way, by getting them together, and forcing them to their point, *Liberius*'s Requeſt was granted, and a General Council from the *Eaſt* and *Weſt* was ſummon'd to *Milan*. The *Eaſterns* came not upon the Summons, either through Sickneſs or length of the Journey, or ſome other more ſecret Reaſon, for fear of being overdone; but about 300 *Weſterns* appear. So many, one ſhould have thought, ſhould have put the *few Arians* out of Countenace, and have carried all before them. But the Emperor's weight was dead and heavy, and therefore at the opening of the Council the Catholics, inſtead of a clear and open Simplicity, thought fit to deal *oeconomically*, with cunning promiſing the *Arians* to comply with them in every thing, if they would ſubſcribe to the *Nicene* Faith. Upon this *Dionyſius* of *Milan* took Pen and Paper, and went about to Subſcribe it; but *Urſaſius* and *Valens* took them out of his Hands, and would by no means admit it; but preſently cauſe a very foul Letter of their Eempror to be read, and ſo a tumult aroſe, againſt it and them, among the People. Whereupon the Synod was carried away from Church to Court, where the Emperor in great Paſſion formally became Witneſs, Judge, and Executioner, orders by Edict *Athanaſius* to be condemned and depoſed, and all his Adherents to be baniſhed. So very many ſubſcribed, but *Lucifer*, *Euſebius*, *Dionyſius* of *Milan*, and *Hilary* (theſe being firſt ſcourged) were ſent into remote Baniſhment. After this the Biſhops, that ſtaid at home in their reſpective Provinces, were treated with the

the like Terrors, and *Liberius* stollen away from *Rome*, and brought by force to *Milan*, and for his non-compliance banished. (1) Upon which we are to note, 1*st*. That the Emperor's Summons was not by the *Easterns* thought *Authoritative* and *Obligatory*, because they obey'd it not, nor were ever blamed for Contumacy hereupon; and consequently they that came, came rather in duty to the Church by a voluntary Piety, than in Conscience to *Constantius*'s Authority. 2*dly*, That the Emperor's Letter being read by the Heretic, in obstruction to the Conciliar freedom in their own Methods, instead of composing raised a Tumult among the People, contrary to Dr. *Wake*'s Politics, (2) as being a violation of the Synodical Rights and Powers. 3*dly*, *Constantius* did not repute these Bishops as his *mere Counsellors*, but as an *Ecclesiastical Judicatory* in their *own Right* and *Name*, and therefore used Terrors to extort their Sentence against *Athanasius*, which therefore was not only reputed unjust, (which I think Dr. *Wake* will confess it to be) but *formally null* and *invalid* by all the Church of God, even the poor dispirited Subscribers themselves. All which Mischefs were the effects of *Ecclesiastical Oeconomy* and compliance to *Treaties* and *joynt Session* with *Heretics* in Synods through fear of *Imperial Tyranny*, which afterward sunk them into a deplorable Impiety of *excommunicating Catholics*, and *receiving Heretics*. Whereas a Primitive and clear Courage had infallibly stood the shock, it having been impossible to have banished all the Catholic Bishops, but while the feeble generally bended, the few and the Righteous became a prey to their Enemies, but glorious Confessors to God and his Church, and a Shame and Reproach to the deserting Multitude.

(1) Vid. hanc Hist. ap. *Hilar.* ad *Const. Athan.* ad *Solit. Sulpit. Sev.* l. 2. *Soz.* l. 4. κ. ν̈. *Socr.* l. 2. κ. λϛ'. *Theod.* l. 2. κ. ιέ.

(2) *Auth. of Chr. Pr.* p. 56, 57.

XV. *Of the Council of* Beriers, *Anno* 356.

JUst such another Council was this at *Biterræ* or *Beziers*, compulsively convened by *Saturninus* the *Arian* Bishop of *Arles*, by the close Direction and Encouragement of *Constantius*. In this the Design was to admit the *Arians* to Communion. Which St. *Hilary* of *Poictiers* endeavouring to

prevent, was at the sollicitation of *Saturninus* sent into Banishent; upon which the rest of the Council yeilded to what *Saturninus* pleased; but all the other Bishops of *France*, that had not assembled here, refused the *Synod*, and its *Acts* as absolutely *null* and *void*. (1) So very mischievous was even the very Name and Terror of the Emperor, without which *Heresie* and *Schism* could not have subsisted against the Divine Power of Catholic Faith and Unity.

(1) *Hilar. de Synod.*

XVI. *Of the Councils of* Ariminum *and* Seleucia, *Anno* 359.

THese were called by the same Heretical Emperor, to treat first of the Faith, and then some Personal Causes. I shall not insist upon the various Counsels and Intriegues in calling these Councils so seperately, but only take notice of the *Imperial Orders* and *Management* of them. He knew that greater Convention at *Arimirum* were generally *Catholics*, and the majority of the *Seleucian Arian*. And here he first requires the *Western Synod* to *pronounce or determine nothing against the Easterns, who were not present, or if they should, he foretells them, that he will not suffer it to have liberty, force, or effect, as being contrary to his Statute.* In which we are to observe, 1*st*. That he owns them as a Synod to be, *not merely his Counsellors*, but *an Ecclesiastical Judicatory* over such as were present; 2*dly*. That he knew they apprehended themselves impowered with a cognisance of the *Eastern Acts*, being jelaous that they would judge upon them. 3*dly*. That he thinks or pretends this to be against that Reason and Equity by which the old Canons forbid *absent Persons* to be condemned; and 4*thly*. his pretence that *no definition can be valid upon his Statutes of Prohibition*. The two first Points here observed shew plainly, that the *Doctor's 2d Aphorism* was not the sense of *Constantius* and that Age. The 3*d* Point observed was only a colour

(1) Epist. Constanti. Imp. ad Syn. Arim. ap. Hilar. Fragin. l. 2. p. 44. *Non enim de Orientalibus, Episcopis in Concilio vestro patitur Ratio aliquid definiri——— adversus orientales nihil statuere vos oportet; aut si aliquid volueritis contra eosdem, prædictis absentibus, definire, id quod fuerit usurpatum irrito evanescet effectu. Non enim illa vires habere poterit definitio, cui nostra statuta testantur inane robur et copiam denegari.*

colour to indemnifie the *Seleucians* in all their Acts, though never so *notorious*, *uncanonical* and *wicked*. Whereas the *presence* of Persons to be judged in Criminals is by Equity and Canon required, where the guilt is *not so notorious*, but that a *Plea* of *Innocence* may be possibly made good. But an avowed and proclaimed *Notoriety*, sent by the Offender, in defiance to a Council, falls not within that privilege of Equity, which yet was what *Constantius* designed, under this pretence to exempt them from the Catholic Censure of the *Western Synod*, tho it were *avowed Heresie*. But in the last place out comes the *Argumentum bacculinum*, *sic volo*, *sic jubeo*; or else they should feel the force of his *annulling Power* upon the Acts of Synods past contrary to his Prohibition. So here we may see out of what Original the Doctor's *6th*, *7th*, and *8th Aphorisms* came; 'twas an *Arian* Calf which Heretics first cast, and the Doctor now adores. And yet however the Emperor goes not so deep as the Doctor, he threatens only to *obstruct the effect* of a prohibited Sentence, and pretends to no more; but the Doctor assigns him a Power to *annull the very efficacy and vertue* of the Sentence; nay farther he makes it it self *ab initio* null, without *Imperial* Authority, and so in no need of a Prohibition to *annul* it. I need not here particularly pursue the courseof cruel Interpositions made upon this Council by *Constantius*; I refer the Curious to the Histories. It is sufficient to say, that all his Orders and the Acts of this Synod extorted by him, were condemned *as null* by the whole Catholic Church, even by those that complyed, upon their Return and Repentance, which the Doctor was to have let his Reader know, instead of alledging the Practices of the Emperor on this Council as an *exemplary Precedent* for a just Authority: (2) Nor shall I trace the scandalous History of the *Seleucian* Transactions, by which as they fell from the *Nicene* Faith, so they crumbled into several *Heresies* and *Parties* against themselves; but only note, that they all made their Court to the *Imperial Interest* and *Favour*, by Wheedles and cajoling Deferences to his pretended Judgment and Supremacy, which in such matters (the Man being *Heretic*) was none at all; but thereby they made the most shameful Tragedy that ever was acted on the Ecclesiastical Theatre, which however wholly owed it self to those *Imperial Engagements* and *Interpositions*. So much then for the *Positive Part* of *Constantius* his Practice in *matters Synodical*.

(2) *Auth. of Chr. Pr.* p. 49, 77.

The Next thing to be considered is his *Restriction* of the Church from holding a Council in the Cause of *Athanasius*, which the Doctor urges as a *Precedent* for all *Christian Princes* over all Churches, and all sorts of Synods. I must repeat his Argument at full to do him Justice, and it runs elegantly thus; (1) *How often did* Liberius, *and the Catholic Bishops in vain petition* Constantius, *that a free and orthodox Council might be called to judge in the Cause of* Athanasius, *but could never obtain it? And though the method taken by that Emperor to manage that Affair in favour of the* Arians, *and the refusal of such a Council, as was desired, was the effect of that Enmity, which he had conceived against them and their Doctrine, yet* (2) *we do not find the Catholic Bishops any where complain, that in this the Emperor did any more than what he had Authority to do, or pretend to any Original Ecclesiastical Power left them by* Christ *to call such a Synod, whether he would or no. But* (3) *on the contrary, notwithstanding the urgency of the Affair, and the eager desire they had to end it, neither* Liberius, *nor any others attempted to meet against the Emperor's command, but quietly submitted to the Prohibition he had laid upon them not to do so. So little did the greatest Bishops of the Church in those days think it lawful to hold a Council against the Princes Will, that being forbidden by an Heretical Emperor, and that against all Right and Justice, on purpose that we might oppress them, so to do, they yet submitted to his Commands, and chose rather to suffer by their Obedience, than to usurp an Authority which they were sensible did not belong to them.* (3) To the 1st. I answer, 1st. That it was but one free General Council they desired, and therefore it is no *Precedent* against the Churches Right in lesser Councils. 2*dly*, That though the Church had no right to a *General Council*, yet on suppositions of such a one granted, the Church had a right to its *freedom*, and therefore though the Church could not complain of wrong in denying a *General Council*, yet she might and did in her Apologies, *&c.* Indeed for denying freedom to the Councils, witness with a vengeance *Liberius*, *Athanasius*, *Lucifer*, *Hilary*, *&c.* (in many invective Writings) and the groans of the whole Church. But 3*dly*, had the Church had had a right to a General Council, yet they might petition the enjoyment of their own Right, in deference to his Majesty, or humour, or in order to his Satisfaction, or for their own Security. And upon denial, they might, to avoid a greater evil, wave claiming, complaining, or assembling, which in such Cases is

(3) *Auth. of Chr. Pr.* P. 31.

is no *abdication* of Right. And this the Doctor grants unawares in the Conſequents againſt our 21ſt Article. For he ſays, *they were prohibited to meet againſt all Right and Juſtice, i. e.* in a free General Council on *Athanaſius*. So then the Church had a juſt right to *aſſemble in a General Council contrary to the Commandment and Will of the Prince*; and therefore he had no right to forbid them. And yet ſee how fatally Men can contradict themſelves, though they do not love to be ſhew'd it. He tells us, that though the Biſhops had Right and Juſtice on their ſide to meet, yet they would not uſurp the Authority of meeting, which they were ſenſible did not belong to them, when in *this Right* they are confeſſedly oppreſſed by the *Imperial Prohibition*, which, being *formerly oppreſſive*, cannot *vacate* the *Right oppreſſed*, and render the *Uſe* of *Right* an *Uſurpation* of *Right* not belonging to the Oppreſſed. I could ſay much more but, reſolving not to inſult, I give over, and refer only to *M. E.* p. 169, 170.

Councils called by the Emperor.

2*d* Council of *Sirmium*.	*anno* 351.
Council of *Arles*,	*anno* 353.
Council of *Milan*,	*anno* 355.
Council of *Beziers*,	*anno* 356.
Council of *Antioch*,	*anno* 361.

Councils not called by the Emperor,

Council of *Rome* under *Liberius*,	*anno* 352.
3*d* Council of *Sirmium*,	*anno* 357.
Council of *Melitine*,	*anno eod.*
Council of *Antioch*,	*anno* 358.
4*th* Council of *Sirmium*,	*anno eod.*
5*th* Council of *Sirmium*,	*anno* 359.
Council of *Conſtantinople*,	*anno* 360.

XVII. *Of Councils held in the Reign of* Julian *the* Apoſtate.

FRom the Reign of an *Heretical* deſcend we to that of an *Apoſtate* Perſecutor, and the Councils held by Chriſtians in his Reign. I expect 'twill be pretended, (notwithſtanding the pretended knowledge of the Obſervator to the contrary) that being no *Chriſtian Emperor*, he is not by the Doctor entitled to his *Aphoriſms* of Synodical Supreamacy. But where is the difference in the Qualifications of *Conſtantius* and *Julian*, the *former* ſhould have *all* with the Doctor, and the *latter none? Conſtantius* was an *unbaptized Heretic*, and *Perſecutor*, when he managed Councils, and ſo no more qualified than an *Heathen*. * *Julian* was a *Baptized Chriſtian*, and ordained a *Reader* in the Church, but *relaps'd to Heatheniſm*, reducible however upon converſion by *mere Abſolution*, the Chriſtian Character, imprinted in Baptiſm, not being totally deleble, and ſo he had more of the *Canonical Character* than *Conſtantius* ſtill remaining. Yet I ſhall not inſiſt on this Compariſon, which will Authorize the Churches Synodizing without *Conſtantius*'s conſent as much as without *Julian*'s. Yet theſe few things I muſt note, firſt, that many Councils aſſembled in his days upon the *general allowance* thereunto in his *Toleration*. Now if *allowance* creates *Authority* from a *Chriſtian Prince*, why not from an *Heathen?* But though I do not joyn in with ſuch Notions upon *allowance*, yet 2*dly*, the Councils under *Julian* acted not as *prudent Cabals* only, but by the ſame profeſſed Authority that they had, and owned from God in the former Reigns, which ſhews their Authority in the former Reigns not to have been ſolely from the Chriſtian Emperor, ſince now they uſed the ſame, when they had no Chriſtian Emperor to give it them; nay 3*dly*, by this Authority they condemn'd thoſe Councils for *naught* and *null*, which *Conſtantius* had *confirmed* to his utmoſt; as the Council of *Paris*, *anno* 362. did the Creed at *Arimnium*, as appears by its *Synodical Letter* to the *Eaſtern Biſhops*; the *Authority* and *Canonical Rectitude* of which Acts has been ever received and owned by the Catholic Church.

* See *Divis* I. Chap. 3. §. 3, 4.

XVIII. *Of*

XVIII. *Of the Councils of* Antioch, *Anno* 363.

Jovian ſucceeding *Julian* in the Empire, and being at *Antioch*, *anno* 363, was attended by *Athanaſius*, and other *Egyptian* Biſhops deputed to that attendance by their *Comprovincials*. Theſe, being upon the Place, were deſired by the Emperor to inſtruct him in the true Faith of the Church; ſo that, ſitting hereupon, they were as a Synod called by the Emperor, and propoſed the *Nicene* Creed, and condemned *Macedonianiſm* juſt then in the Flower; (1) and farther than this they tampered not. But the Heretics again were preſently at their old Practices. For *Athanaſius* being on the return from *Antioch* to *Alexandria*, *Euzoius* was hammering a deſign of ſetting up one *Probatius* by the ſubornation of *Lucius* (one of *George*'s Presbyters) to accuſe *Athanaſius* before the Emperor as a perpetual Criminal, and to petition the ſubſtitution of another; but the motion was rejected and ſuppreſſed by the Emperor, (2) who reſolved, like a wiſe Prince, not to be tool'd in ſuch Matters. To him alſo came the *Macedonians* with a Libel of Supplication, that they might be admitted in the room of the *Anomœans*, (3) and deſign'd to get ratified the Definitions of *Ariminum* and *Seleucia*, and what was done by ſome Mens Activity, and Power, annuled, or that, the State of the Church remaining as it was before the Synods, they might have leave to aſſemble where they liſted without the Communion of any other. (4) The *Acacians*, alarum'd hereat, to ſecure themſelves againſt the *Macedonian* attack, profeſs themſelves to be of the Emperor's Religion, joyn with *Meletius* in a Council at *Antioch* this ſame Year, and own the *Nicene* Creed, and the ὁμοούσιον. But the wiſe and good Prince anſwers them, that he would force no Man to any form of Faith, but would moſt highly honour the Authors of Peace, deſiring by gentle treatment to put an end to the Contention of the Parties. For which *Themiſtius* the Orator highly and deſervedly magnified him, as defeating their deſigns, *who detected themſelves not to ſerve God, but the Royal Purple*. (5) For terror in Religion makes Hypocrites, and turns Religion into a Court Mode; and

(1) *Theod.* E. H. l. 4. c. 3.

(2) *Soz.* l. 6. κ'. ε'. *Socr.* l. 3. κ'. κδ'.

(3) *Socr.* l. 3. κ'. κε'.

(4) *Soz.* E. H. l. 6. κ'. δ'.

(5) *Socr.* *ubi ſupr.* *e.* *Sabin Collect Concilior.*

and they, who harken unto Temptations thereunto, ſhall have their Chambers and Chappels full of Heretical Locuſts to devour or corrupt the Church. Whereas he is the truly Religious Prince, who loves and reveres,and cheriſhes the Faith, Powers, and Diſcipline, Fathers and Members of the Catholic Church in avowed Profeſſion and ſignal Practice, without oppreſſing any Perſon purely on the account of his Errors, while his Morals are otherwiſe within the compaſs of Civil Duties: His Eccleſiaſtical Faults being to be corrected only by Canonical Powers, which if revered by Princes according to their Weight and Dignity in a manner religiouſly exemplary to their Subjects, would render the Reformation of Mens Errors, and Morals too, much more entire than any *Penal Rigors* whatſoever.

XIX. *Of the Synod of* Lampſacus, *Anno Chriſti* 365. *and others.*

THe Synod of *Lampſacus*, which *Sozomen* ſays convened by the Grant of *Valentinian* the Orthodox Emperor, (1) is by *Socrates* ſaid to have been *Macedonian*, and to have ſate by the Conceſſion of the *Anomœan* Emperor *Valens* miſtaking them for the *Eudoxian* or *Acacian* Party. They, thus Licenſed, convene at *Lampſacus*, and condemn the *Eudoxian* and *Acacian* Acts at *Conſtantinople*, *anno* 360. and promoce *Macedonianiſm*. This done, according to the cuſtom of Heretics, they ſend their Accounts to *Valens* to prevent the *Eudoxian* Complaints, or Calumnies. The *Eudoxian* Emperor bids them not to claſh with his Favourite *Eudoxius*, but they, ſtill charging hard upon him, are baniſhed by *Valens*,and their Churches given to the *Eudoxians*. (2) Going to *Antioch* he baniſheth *Meletius*, but ſpareth *Paulinus* in aw of his Piety. Afterwards with Terrors he forceth *Eleuſius* of *Cyzicum* (the *Macedonian*, or *Semiarian*) to confeſs downright *Arianiſm* at *Nicomedia*, (3) or at *Nicæa*, (4) at a Synod which he called for that purpoſe; but *Eleuſius* ſoon repenting, and deſiring to lay down, was a while retained by the *Cyzicences*, till *Eudoxius* created *Eunomius* for that See, upon which great Riots and Diſorders followed. Here was the firſt Chriſtian Emperor, that underſtood how to go through ſtich with his Buſineſs; to

(1) *Sozom.* l. 6. κ'. ζ'.

(2) *Ibid.*

(3) *Socr.* l. 4. κ'. ε'.

(4) *Soz.* l. 6. κ'. ν'.

reſcind

reſcind the Definitons of Councils, to make his People, and his Synods beliveve as he himſelf, and all things well according to the Doctor's *Aphoriſms*. But did the *Macedonians* think this *Imperial Reſciſſion Valid* and *Canonical ?* No ſure; but by their Legates *Euſtathius*, *Sebaſtenus*, *Silvanus*, *Tarſenſis*, and *Theophilus Caſtabalenſis*, they Appeal to the Weſtern Emperor *Valentinian*, Pope *Liberius*, and the Weſtern Biſhops, or any Orthodox Biſhops that the Pope ſhould name for Judges, profeſſing withal the *Nicene* Faith, and condemning whatſoever was done againſt it at *Ariminum*. Hereupon they are received by *Liberius* into Communion, and ſent back with Letters of Recommendation in order to their peaceable Reſtitution, by vertue of which, in their way home, they call a Council in *Sicily*, and eſtabliſh the ſame Faith with the *Sicilian* Biſhops, and were after received in a Synod at *Illyricum*, (5) and all this in contempt of *Valens* his *Oppoſitions*, *Perſecutions*, and *Nullities*, which yet with Doctor *Wake* were *regular forms* of proceeding, and that of the Pope utterly *uncanonical*, though allowed for good throughout the Catholic Church.

XX. *Of the Council of* Illyricum, *Anno Chriſti* 365.

THis Synod was called by the Emperor *Valentinian* for the ſake of ſome in *Aſia* and *Phrygia*, that differed about Doctrins of Faith, and this Synod eſtabliſhes the *Nicene* Creed, which thereupon not only *Valentinian*, but *Valens* himſelf (not daring then the contrary) commanded to be preached, but in ſuch a manner, that no Man ſhould ſay, *We profeſs the Religion of the Earthly Emperor*, (1) that is it was enjoyned by *Precept*, without *Menace* and *Terror*. And yet by the Doctor, *'tis the Chriſtian Prince's buſineſs to make his Subjects believe according to the Faith which he ratifies, Definitions of Synods not being obligatory otherwiſe*; which yet in this Imperial Precept was not then imagined, but the very contrary caution'd, that *no Man ſhould ſay he profeſſed the Religion of the Emperor*. And yet, had this *Precept* in form made it the Imperial Religion, *Valens*, and his Supremacy had two Religions quite contrary to each other; at other times it had been, and after was publicly *Arian*,

now

now publickly *Catholic* by vertue of this *Precept*, though ſtill he was within an *Arian* to himſelf, and now *made his Subjects believe otherwiſe than himſelf, and otherwiſe than he had before made them believe*, and did again ſoon after, if the Doctor's Notions be right in this matter. But the Notion of *Valentinian* and *Valens* in that their *Precept* was, that it was only a *ſecondary conſequential* and *ſecular Corroboration*, and *Security* to the preaching of the *Nicene* Faith, with a caution that *none ſhould attribute the* ſole *or* chief *Obligation herein to that* Precept, as the Doctor does, but to the *Divine Authority* of the *Nicene Council*; and ſo much for the *poſitive part* of *allowing* or *calling* Councils during the Reign of this *Duumvirate*.

Come we next to their *negative* and *reſtraining* Practices upon Synods; of all which, that were convened by Eccleſiaſtical Authority, (of which we have any account in Hiſtory) there is but one that was inhibited, and that by the *Heretical* Emperor *Valens*, *viz.* that appointed by the Biſhops in their Synod at *Tyana* to be held at *Tarſus*, where the *Catholics* and *Semiarians* deſigned to meet in order to Peace. But *Eudoxius* the *Arian*, who wholly governed the Emperor, ſpoil'd their deſign, by procuriug the baniſhment of all the Biſhops baniſhed by *Conſtantius*, and reſtored by *Julian*, (3) and forbidding the Congreſs at *Tarſus* by *Threats* and *Letters*, inſtead of which *Valens* called one in *Caria*, which rejected the ὁμοούσιον. Upon which it is eaſie to remark, 1*ſt*. That as well the *Catholic* as *Macedonian* or *Semiarian* Biſhops had deſigned and appointed a Council without the Emperor's Licenſe; 2*dly*, That an *Heretical Prince* uſed violence to prevent it without complaining however againſt their breach of his Prerogative, and 3*dly*, That his convening an *Heretical Synod* was a mere *nullity*.

Councils called by the Emperors.

Council of *Lampſacus* allowed,	*anno* 365.
Council of *Illyricum*,	*anno eod.*
Council of *Caria*,	*anno* 368.

Councils not called by the Emperors.

1 Council of *Sicily*	*anno* 365.
Council in *France*,	*anno eod.*

Council

Council in *Rome* under *Liberius*,	*anno* 365.
Council of *Singedurum*,	*anno* 366.
Council of *Tyana*,	*anno* 398, *vel* 365.
Council of *Tarsus* hindred, *&c.*	*anno eod.*
Council of *Gangra*,	*anno* 370.
Council of *Laodicia*,	*anno eod.*
1 Council of *Rome* under *Damasus*,	*anno eod.*
2 Council of *Rome* against *Ursicinus*,	*anno* 372.
3 Council of *Rome* against *Apolinar*,	*anno* 373.

XXI. *Of the Councils of* Constantinople, *Ann.* 381, 382, 383.

THe first of these Convened 381. for the ejection of *Maximus* the *Apolinarien Cynic* from the See of *Constantinople*, into which he had been unduly put by *Timothy* of *Alexandria*, that was of the same Heresie, *&c.* of which we have no account *how*, or *by whom* it was called.

The Second Synod was called by the Emperor *Theodosius*, and therefore we are first to enquire into the *form* and *manner* of the *Imperial Call.* And here we want the Emperor's Letters, or some particular Monument to inform us accurately, while now we only know by the Epistle of the Synod to the Emperor, that it was *Honorary*, (1) and therefore probably *invitatory*, but certainly not *subpenal*, and consequently cannot be *exemplary* to any *subpenal* Form or Authority, because *This* is not *honourary* to the Church.

(1) καὶ τὸ γεγραμμα τῆς σῆς εὐσεβείας τοῖς τῆς κλήσεως γεγράμμασι τιμὴν ἐκκλησίαν τετίμηκας.

Next to the *Calling* here is nothing memorial to our purpose till we come to the *Confirmation* of their Acts. Now the Acts of this Session were *Nazianzen*'s Resignation of the Bishopric of *Constantinople*, and the choosing *Nectarius* in his room, the settling of *Flavian* in *Antioch*, and *Cyril* in *Jerusalem*, *some additions* to the *Nicene* Creed, and *some Canons* made for good Order; which two last Transactions were the *only proper subjects for Imperial Confirmation* in those Days, and to which it was only desired by the Synod, and granted by the Emperor. And therefore we must enquire of

of what *Form* this *Imperial Confirmation* was, whether *eſſentially conſtitutive* of its *Canonical Validity*, or only *comprobatary*, or *ſecularly Corroborant*. Now that it was not a *prime conſtituent Ratification* appears from hence, for that they aſcribe to themſelves the *firſt Confirmation*, and deſire only a *ſecondary additional one* of the Emperor, (2) as emphatically appears by the *compound* Verbs, which are here ſet in diſtinction from the *ſimples*, in which the Synod had expreſſed its own Confirmations and Decrees, on purpoſe to diſcriminate the one from the other, his being the final aud concluding Act, neceſſary for the ſame Ends as *Conſtantine's* Confirmations were, *to prevent the oppoſition of Secular Powers or Magiſtrates* (that might be adverſe to the Synodical Determinations) *and the Tumults of Heretics*, which otherwiſe might ariſe, ſo that the *Imperial Confirmation* deſired, was not an *internally conſtituent Ratification*, but a *conſecutive Corroboration* and *exterior Security* and *Guard* to it. This we conclude from the whole reaſon of the thing, not from the mere literal ſignification of the *compound Verbs* †; for *Theſe* will amount to no more than a Teſtimony of *Conſent*, and *recommendatory Comprobation*. (3) But *this Confirmation* being of the ſame deſign with that of *Conſtantine's*, the *Verbs* ought fairly to be interpreted to that full intention, but to no more. To ſo much then his *Subſcription* amounted, which he gave to theſe their Acts. It may perhaps be objected, that he made a Law for the Validity of the *Nicene* Creed, (4) and that the Churches ſhould be delivered to ſuch as confeſſed the Unity of the Godhead in Three Perſons of equal Honour and Power, *viz.* thoſe that ſhould be in Communion with *Nectarius* of *Conſtantinople*, *Timothy* of *Alexandria*, in the *Eaſt* with *Diodorus* of *Tarſus*, and *Pelagius* of *Laodicea* in *Syria*, and among the *Aſians* with *Amphilochius* of *Iconium*, and in the *Pontic* Cities from the *Bithynians* to the *Armenians* with *Helladius* in *Ceſarea* of *Cappadocia*,

(2) *Epiſt. Synodic ad Imp.* συντόμως ὅρως ἐξεφωνήσαμεν, τῶν τε πρὸ πολλῶν πίστιν τῶν ἐν Νικαίᾳ ΚΥΡΩΣΑΝΤΕΣ, καὶ ὑπὲρ τῆς ἐυταξίας τῶν ἐκκλησιῶν ἐπὶ τοῖς κανόνας ΩΡΙΣΑΜΕΝ---- δεόμεθα τοίνυν—— γεγράφθαι τῆς εὐσεβείας ΕΠΙΚΥΡΩΘΗΝΑΙ τῷ σωτῆρι τῶν ὅλων, καὶ τῶν δοξάντων ΕΠΙΣΦΡΑΓΙΣΗΣ τὸ τέλος.

† ἐπικυρωθῆναι ἐπισφραγίσης.

(3) *Socr.* l. 14. κ'. ιδ'. ὁ βασιλεύς ἐμήνετο σύμψηφος. *Soz.* l. 6. κ'. ιβ'. συνεψηφίσαλο.

(4) *Soz. ibid.* καὶ νόμον ἔθετο, ΚΥΡΙΑΝ εἶναι τῶν πίστιν τῶν ἐν Νικαίᾳ συνελθόντων.

padocia, *Gregory Nyſſen*, *Otreinus* of *Melite*, or *Melitine*, and in the Cities about *Thrace* in *Scythia* with *Terentius* of *Tomis* and *Martyrius* of *Marcianople*. But this in truth is ſo far from being an Objection, that it clears and juſtifies the truth of my Notion. For his *Confirmation* of the *Nicene* Faith conſiſted alſo in aſſigning to the Communicants in it right and free uſe of the Churches, without which his bare *Subſcription* had been only *Comprobatory*, not *Authoritive*. And it is farther to be noted, that the *Nicene* Creed wanted no *Ratification* from the Emperor, at that time a day, to conſtitute and give it an *Internal* and *Canonical Validity*, which it had originally from the *Nicene* Fathers, and had not loſt it now, but only an *external Security* in the Canonical profeſſion of it in the Churches. Nay, note alſo, that he is ſaid by Law only to *confirm* the *Nicene* Creed; but this is not a *legiſlative form* of *confirming* any of the *Conſtantinopolitan* Acts, to which he was only σύμψηφος, gave his *Suffrage* in *form of Subſcription*; though this alſo appears not now in the *preſent Subſcriptions*. But farther the *Canonical* Obligation of theſe *Conſtantinopolitan* Acts was to extend beyond the *Roman* Empire, as appears by the Second Canon, which exempts the Churches in the *Barbarous Nations* from the Rule enjoyned to the Provinces within the Empire, and provides for them as they had been aforetime uſually aſſiſted according to the cuſtom of the Fathers; and by the Latin Subſcriptions of the *Scythians*, * (if theſe be genuine) by *whoſe Synodical Concurrence alone* theſe Acts were *valid* in *Scythia*; where the Emperor's Suffrage Subſcribed could only be *Recommendatory*, but not *Authoritative*. And laſtly the reaſon why the Council requeſted this *Imperial Subſcription*, was becauſe *he* had called them, and therefore can be a *Precedent* only for the *like form of Corroboration of ſuch* Councils *which Princes call*, but not of others, whether they convene *with* or *without* Royal Allowance.

† † *In the Subſcription he is* Oterius Mentinenſis.

* *Gerontius*, *Tomenſis*, *Æthovius*, *Terſonitanus*, *Sebaſtianus*, *Anchialenſis*.

The Third Council of *Conſtantinople*, *Anno* 383. was deſigned by *Theodoſius* for a Diſcuſſion of the Faith between the Catholics and all the Heads of the ſeveral Hereſies. What gave occaſion to ſuch a Curioſity or Deſign I cannot tell, but it ſeems to be ſome ſecular Reaſon of State, or ſome Suggeſtion inſinuated by an Enemy to the Catholic Faith, to ſhake the Emperor by the Artifices of Diſputation. *Nectarius* dreaded it, as not only very *uncanonical*, but alſo very *dangerous*, yet, the Age being ſoftned, and he of

a Court-make and Converſation, he had not courage to oppoſe it, finding the Emperor ſo intent upon it. The Weſtern Biſhops after the Council of *Aquileia*, *anno* 382. had ſent a Letter to this Eaſtern Emperor *Theodoſius* to promote a General Congreſs at *Rome* in this Year 383. Upon which the Emperor, that had called the Greek Biſhops to *Conſtantinople*, cauſed the Letter of the *Weſterns* to be preſented to them, as perhaps one occaſion of his calling them to *Conſtantinople*. This is what this Synod expreſsly aſſerts in its Letter to the Council of *Rome* then ſitting under Pope *Damaſus*, acknowledging the benevolent way of calling them to *Rome* by the Emperor's Letters. But they excuſe their not coming, upon their Domeſtic Cares and Occaſions, their ignorance of the *Roman* Invitation, till they came to *Conſtantinople*, by which they were unprepared for any farther Journey, as well as not commiſſioned thereto by their *Comprovincials*, that ſtaid at home, and ſent them only to *Conſtantinople*, and for that the ſtraitneſs of the time prefixed would not allow them to ſend *for*, and receive Comiſſions *from* their *Comprovincials*, beſide the danger of leaving the Churches naked, and other hindrances. So that inſtead of meeting in a body at *Rome*, they could only ſend three Legates *Cyriacus*, *Euſebius*, and *Priſcianus*, whom they had intreated to undertake the fatigue of the Journey. By all which it appears, that 1ſt. the *Weſterns* challenged a concern and account in the Acts of the former Councils at *Conſtantinople*, though out of the *Weſtern Empire*, and *confirmed* in the *Eaſtern* by *Theodoſius*; and conſequently, that theſe Councils of *Conſtantinople* were not *of mere advice and ſervice to their proper Emperor* Theodoſius, but were debtors, and accountable to the *Weſtern Church* in ſome of their Tranſactions, of which they demanded a review, though *Subſcribed* and *Confirmed* by *Theodoſius*. And of this they were ſo aſſured, that they complained herein and hereunto in their own Name to *Theodoſius* himſelf, who had *confirmed* them. And he, inſtead of rejecting their Complaint as injurious to his *Imperial Prerogative*, receives it, calls the *Eaſtern* Biſhops to *Conſtantinople*, and lays it before them, againſt the which there was no exception taken as an encroachment upon the *Eaſtern Emperor*, *Church*, or Councils; but they proteſt great ſorrow that they cannot poſſibly anſwer the *Weſtern Requeſt* at full as deſired; but however in their own Name, without any *Commiſſion* or *Licenſe* of *Theodoſius*, they ſend

send their Legates to treat with the *Roman* Synod in another Emperor's Dominions, even *without his License* also. It must also, 2*dly*, be noted, that one excuse for their not going to *Rome* was from want of a Commission from their *Comprovincials*, not from their *Emperor*, of whom they never asked it, nor he ever offered it, much less imposed it; one of which he would (no doubt) have done, if that alone had been a sufficient Authority without the *Commission* of the *Comprovincials*. And this was all that they acted as properly a *Council*, the rest being only a *Conference*, by which the *Heretics* were artificially and utterly confounded, and put out of Credit and Countenance.

XXII. *Reflexions on the Ecclesiastical Conduct of* Theodosius the Great.

IT was not only a very *dangerous* Project to bring the Faith into dispute, but it had been certainly very *fatal*, had not a *Novatian* been wiser than the Emperor or *Nectarius*, by whose Counsel the Snare was broken, and the Church delivered. It discovers moreover, that the Emperor before was not steady in the Faith. But being hereby fixed, he runs into other unaccountable Measures. Before this Council the Heretics had been very tempestuous; and therefore *Amphilochius* Bishop of *Iconium* earnestly desired of *Theodosius* the Suppression and Expulsion of the *Arians* out of the Cities; but the Emperor then look'd upon the Request as too hard, and so denied it. (1) But now he made Laws, that all the *Heterodox*, except the *Novatians*, should hold no Assemblies, nor teach concerning the Faith, nor ordain Bishops, but be driven out of Cities, and Countries, and to be in disgrace, and outlawed, and these Laws be bound on with severe *Sanctions*. And yet he did not cause the Laws to be prosecuted, for his design was not to punish, but to affright his Subjects into the same Faith with himself about the Deity. (2) This I take to be a very delusory, and imprudent way of Government, that ends in nothing but the contempt and hatred of Authority, and the Church especially, for which it is pretended. For if the Laws had been good, they ought to have been executed; if naught, they ought not to have been made, nor continued.

(1) *Theod.* E. H. l. 5. κ'. ιε'.

(2) *Soz.* l. 7. κβ'.

tinued. For as this method expoſed the Emperor to the reproach or ſuſpition of Levity, Diſſimulation,or Injuſtice; ſo the Proſecution not following the Law, the Church lay more open to the Hatred, Calumny, Scorns, and Inſults of the Heretics. So unhappy are theſe *Secular Intrigues* in matters Eccleſiaſtical, that even their ways of Friendſhip many times do obliquely bring upon the Church more grievous and laſting Injuries than open Perſecutions. Perſecutions are in truth a glory to the Perſecuted; but a ſhame and blemiſh to the Perſecutors. For which cauſe let Heretics alone Perſecute; let not Catholics give them the ſeeming glory of being Perſecuted. But to force Men unto Faith and Communion by Secular Terrors appears in truth with a Face of Perſecution; it makes many turn Hypocrites in Chriſtianity; others it enflames againſt it; and ſo hereby the Church ſuffers the greateſt Perſecution, by being corrupted within, and maligned without; ſo that when there are opportunities to retaliate, not only our open Enemies, or *Cameronians*, but alſo the Hypocrites within, throwing off the vizor, will fly in our Faces, and execute upon us all pious Revenges poſſible. Nay I will go farther, and ſay, all things, that are lawful in this caſe, may not be expedient. Errors and Schiſms have in themſelves no right of Privilege, but they, that are in them, have to our Charity; and therefore whatſoever Magiſtrates may enact againſt them in ſecurity to *Civil Peace*, the Church ought to proceed to no meaſures that have an odious aſpect, and ſeem inconſiſtent with Chriſtian Charity and Tenderneſs to their Souls; through which, when the Meek and Harmleſs are like to ſuffer for their Averrations, it would become the Church then to give them the benefit of the Clergy, and a gracious and compaſſionate Mediation, which might prevail more effectually upon them to their Converſion. But to make Scar-crow Laws on the behalf of Chriſtianity is above all things moſt injurious to that Chriſtianity which they pretend to ſupport, and 'twas the miſcarraige of *Theodoſius* in his Government.

XXIII. *Of the Council of* Aquileia, Anno 381, *or* 382.

THis Council affords ſeveral things very remarkable to our Purpoſe, and therefore is to be conſidered through all its *Proceſs*, beginning from its *Call*. Firſt then, it was called by the Emperors *Gratian*, *Valentinian* and *Theodoſius*, the *Weſtern* and *Eaſtern* Emperors, on the account and requeſt of two *Arian* Biſhops, *Dacia* and *Mæſia*, *Palladius* and *Secundianus*, who had craved of the Emperor a General Council, and were promiſed it. But upon conference with St. *Ambroſe*, the Emperor was perſuaded, in honour to the Epiſcopal Order, not to compel any Biſhops to come from far, merely for the perſonal Cauſe of two Men, but only to permit any that would voluntarily come. (1) Upon which Liberty the *Eaſterns* came not, and thereupon *Palladius* refuſes to anſwer, becauſe his Colleagues of the *Eaſt* were not there to give it the Authority of a full Council. (2) From whence we are to note, 1*ſt*. That 'tis not fit, becauſe 'twas diſhonourable, that Biſhops ſhould be compelled by Princes unto General Councils in Cauſes merely Perſonal. 2*dly*, That the Authority of Councils was not *ſolely* in, or from the Emperor, by the remonſtrance of *Palladius* againſt this Council on pretended defect of Plenitude. Againſt which *Plea* the Council did not reply, that the *Imperial Authority* or *Commiſſion* was alone ſufficient, but that all had leave from the Emperors to come that would, without any *reſtriction*, which would indeed have made them exceptionable and incompetent; for they knew not Dr. *Wake*'s 3*d* Aphoriſm in thoſe days, which might effectually have cramped *Palladius* his Plea.

(1) *Vid. Epiſt. Synodic. ad Imp. Epiſcopis honorificentiam reſervá-ſtis.*

(2) *Pallad. Reſp. ap. Concil. Ubi Authoritas pleni Concilii non eſt, non dico.*

Secondly from the *Call* proceed we to the *Seſſion*, in which we find preſent two Conſuls *Syagrius* and *Eucherius*, but not interpoſing in the Actions of the Synod. But *Palladius*, being Anathematized by the Synod, refuſes the Sentence, requiring other *Auditors* and *Actuaries* on both ſides.

St. *Ambroſe* asks him, *What Auditors he demanded?* and he ſays, *The many Perſons of Honour there preſent.* But St. *Ambroſe* takes him up, and tells him; That *Biſhops ought to judge of Laymen, and not Laymen of Biſhops; and that they were aſhamed, that he who claimed the Epiſcopal Dignity ſhould be condemned even by Laymen, and ſo they condemned him themſelves.*

The third thing that occurs is the *Diſſolution*; which, after the Acts began the Diſmiſſion of *Conſtantius* and *Proculus* (the two Legates of the *Gallic* Churches) made, not by the Emperors, but the Synod alone, (3) with thanks for the Legation; quite contrary to Dr. *Wake*'s Rule of *Diſſolution*.

(3) *Epiſt. Synodic ad Epiſc. Gall. ubeni gratiarum actione dimittimus.*

The 4*th*. thing to be obſerved is the *Imperial Confirmation* of their Acts deſired by the Council. They ſet forth therefore to the Emperors, *That they had deprived the Heretics of the Prieſthood,* ‖ *and deſired that they may be driven away from the Churches.* The like Succour they deſire againſt one *Attalus* a degraded *Preshyter*, and that one *Valens*, that *really was no Biſhop, but a great Impoſtor, might be ſent to his own home, and not corrupt the Churches of* Italy *by falſe and unlawful Ordinations. And ſince they had obeyed the Imperial Order in convening,* † *they deſire their Requeſt may take effect, leſt their meeting ſhould ſeem to have been in vain. For they were to take care, not only that their own, but alſo that the Emperor's Decrees might not fall into Reproach.* By which it is plain, 1*ſt*. That they had paſt proper Decrees of their own, which therefore they had *ratified* by *their own intrinſic Authority*; 2*dly*, That they deſired the Imperial Aids particularly ſpecified, not to give *efficacy*, but ſecure *effect* to their Decrees, by way of a *conſequent Corroboration* in removing Impediments, leſt their Decrees which were *really valid*, and not *vain* in themſelves, might however *ſeem to be in vain* by the unremoved Impediments of their *effects*. Such then was the form of the deſired *Confirmation* as to the Decrees upon theſe Perſons. In which they had an ancient *Precedent* in *Paulus Samoſatenus*, whom the Church petitioned *Aurelian* (an Heathen Emperor) to eject out of the Epiſcopal Houſe, (4) which the Emperor did accordingly. And the 3*d*. (ſo called) Council of *Carthage*

‖ *Sacerdotio putavimus abdicandos.*

† Which it ſeems they look'd not upon as their bounden Duty, but a voluntary Conformity.

(4) *Concil Antioch. cont. Paul. Samo. Epiſt. Synodic. ap. Euſeb. E. H. l. 7. c. 30.*

thage anno 397. proposed an Address to the *Secular Magistrate*, the *Ruler* of the Province, to remove *Cresconius*, who had invaded a second Bishopric, since this was but a defence of the Churches Rights, in Possessions naturally secular, but since Consecrated by the Church unto God, and so to be secured by *Civil Power* against *Secular Violence*. For though the Rulers Imperial had had no *Civil Jurisdiction* in the *Spiritualities*, yet they had over the *Secular Injuries* and *Sacrileges* of Intruders; it being absolutely necessary, not only to do God Justice, but to secure *Civil Peace* and *Order*. Such then was the *Form* and *Right* of that *Imperial Confirmation*, which this Council desired to their Decrees against *Impostors*, not looking on them as *essentially null* in themselves without it, nor *de jure* annullable by the *Imperial Powers* according to the Doctor's Principles. Of the Petition made by this Council against the *Photinian* Conventicles in *Sirmium*, attemptted against the Law, I cannot make a clear Judgment, because the *Facts* and *Circumstances* appear not now; but if the attempt was to assemble in the Churches, it was not only very equal, but becoming the Piety and Wisdom of this, or any other Council whatsoever.

XXIV. *Of the Council of* Saragosa, Anno Christi, 381, *or* 382.

THere is one Council more under this *Imperial Triumvirate*, which, though not *called*, nor *managed*, nor *confirmed* by any *Imperial Acts*, yet, because the cognisance and its Decrees was afterward brought unto Emperors, who acted *Imperially* thereupon, necessarily requires our Consideration. This is the Council of *Saragosa*, by and in which *Justantius*, *Salvian*, *Elpidus*, and *Priscillian* were condemned. In contempt of Sentence *Justantius* and *Salvian* ordain *Priscilian* Bishop of *Avila*. Upon which the Catholic Party by complaint unto the Emperor *Gratian* procure the expulsion of the *Priscillianists* from, not only the Churches, but the Cities also in which they dwelt. The *Priscillianists* hereupon address to the Emperor and obtain a restitution, not only to *their Habitations*, but *their Churches*. Fledg'd with which Success they return in Rage and Tri-

umph to *Spain*, and drive out *Itharius* (a Catholic Biſhop) by force. Wherein one may ſee how dangerous it is for the Church to exceed her proper bounds in the ſollicitation of the beſt Princes, *in whom there is no truſt*. Was it not enough for the Catholics to procure the *Priſcillianiſts* out of *Churches*, but they muſt deſire their baniſhment from the *Cities* of their Habitation? I know their Principles, and Violences deſerved hard, aud Civil Powers of their own Motion might juſtly be ſevere againſt ſuch Peſts. But it was very ill becoming Prieſts to ſolicit the Baniſhment πανδημεὶ of all that were of the *Priſcillian* Party merely for that relation. Yet this was procured by the Catholics. But the Emperor, who had liſtned, and gone to that exceſs, being ſoon moved with the ſenſe of it on the Application of the *Priſcillianiſts*, recoyls to the other extreme, in reſtoring them not only to *their Habitations*, but *their Churches*, which were by this *legitimated*; whereas before they were only *conniv'd at*; and thus a plain abuſe was put by the Emperor upon the Catholic Council of *Saragoſa*, and not only ſo, but on the very Conſtitution of God in his Church; no Prince having in the ſight of God a proper right to eſtabliſh *Heretical* or *Schiſmatical Churches*, though by way of uncontrolable Domination Princes may do ſo. But this being done by *Gratian*, emboldened the *Priſcillianiſts* to reciprocate Violence upon *Ithacius*, which exaſperated him again to very ſanguinary Proſecutions againſt *thoſe Heretics*, to the great reproach of the Church, and grief of the Beſt and moſt excellent Biſhops and People in it.

Under this *Triumvirate*,

Councils called by the Emperors.

Council of *Conſtantinople*,	*anno* 382. *Gen.*
Council of *Conſtantinople*,	*anno* 383.
Council of *Aquileia*,	*anno* 381, vel. 382.

Councils not called by the Emperors.

1. Council of *Valence*,	*anno* 374.
Council of *Antioch*,	*anno* 377.
Council of *Conſtantinople*,	*anno* 381.
Council of *Saragoſa*,	*anno* 381, vel 382.
Council of *Sida*,	*anno* 383.

XXV. *Of the Council of* Bourdeaux, *Anno Chriſti*, 384, *vel* 385.

Ithacius, being ſo violently expelled out of his Church by the *Princillianiſts*, complains againſt *Priſcillian*, *Juſtantius*, *&c.* unto *Maximus* the Weſtern Tyrant, who had ſlain *Gratian*. *Maximus*, affecting to ingratiate himſelf with the Catholics, cauſes theſe *Heretics* by force to be brought to this Synod, in which *Juſtantius* was depoſed, and *Priſcillian* had been ſentenced alſo, had not he before Sentence Appealed from the Synod unto *Maximus*, to which the Catholicks diſgracefully yeilded, and are cenſured for ſo doing by *Sulpitius Severus*. (1) By this *Priſcillian* and his Chiefs loſt their Heads, to a moſt invidious Reflection upon the Church, which ſhe therefore in general deteſted. Every piece of which was a violence and nullity; 1*ſt*. to try *Spaniſh* Heretics by a *French* Synod, 2*dly*, to bring them into Synods by force; 3*dly*, to Appeal from an *Eccleſiaſtical* to a *Civil* Judgment, by which the Sentence was turn'd from *Spiritual* to *Capital*, whereas an Appeal ought to have gone on in the ſame ſort of Juriſdiction. So fatal are ſuch *uncanonical* and *violent* Proceedings, eſpecially upon Complaints or Appeals made by *Catholics* or *Heretics*, to the *Secular Arm*, that inſtead of *confirming*, they naturally tend to the ruin of the Chriſtian Church.

XXVI. *Of the Council of* Triers, *Anno Chriſti*, 386.

THis was called by the Tyrant *Maximus* on the ſaid Appeal and Cauſe of *Ithacius* and his Party, againſt the *Priſcillian* Faction, wherein the ſanguinary Party of *Ithacius* juſtifie him, but for ſo doing were generally abhorred by the Catholics, and their Communion renounced, eſpecially by *Theognoſtus*, and St. *Martin* of *Tours*. What Arts and Tricks were uſed by this bloody Club to engage the

the Emperor's Violence alſo upon St. *Martin* to force him into their Communion, is at large reported by *Sulpitius* in the Life of this Saint; who, though to ſave the Lives of them that were appointed to dye, he endured their Communion as it were for an hour, yet he would never confirm the *Jus* of it by his Subſcription. And this ſhews, that the Emperor alone could not confirm the Acts of this Council, for then there had been no need of St. *Martin*'s Conformation, who could not in right have denied his Conformity.

Councils not called by Maximus.

Council of *Bourdeaux*,	*anno* 384, *vel* 385.
Council of *Triers*,	*anno* 386.

XXVII. *Of the Council of* Capua, *Anno* 389, *or* 390.

THis Council was called by *Valentinian* and *Theodoſius* to determine the difference between *Flavian* and *Evagrius* about the See of *Antioch*. But this Council referred it to *Alexandria* and the Biſhops of *Egypt*, whom *Flavian* refuſed for Judges, telling the Emperor *Theodoſius* at *Conſtantinople*, that he would not conteſt for the See, if that were the only Charge, the Emperor ſhould give it to whom he pleaſed, who, being taken with the reſoluteneſs of the Man, ſent him back again to *Antioch*, on his own pleaſure, without any Conciliar Judgment, and ſo that matter ended. But however, though they were aſſembled only for that one Matter, which they meddled not with, yet they treated of other things not given them in any *Imperial Charge*, as the Doctrine of *Bonoſus*, which they referred to *Anyſius* of *Theſſalonica* and his *Macedonian* Colleagues, who met and condemned *Bonoſus*, and that by a Judgment which Pope *Siricius* judged final and unappealable. (1) At *Capua* alſo they condemned *Rebaptizations*, *Reordinations*, and *Tranſlations* of Biſhops, *&c.* Upon which we are to note, 1ſt. That though this *Capuan* Synod convened by *Imperial Call* to determine a matter propoſed by the Emperors, yet they omitted to do the buſineſs ſet them;

(1) *Vid. omnino inter Epiſtolas Ambroſ. Ep.* 56, 57. *& Concil. Carthag.* 3. c. 38. *Concil African.* c. 15.

them, and turn'd it over to the *Alexandrian* Synod, which upon the Doctor's Principles they could not do without affront and breach of *Imperial Authority*; which yet the Emperors had no sence or resentments of; 2*dly*, Hereupon *Theodosius* sends for *Flavian* to *Constantinople* in order to send him to the *Alexandrian* Synod. *Flavian declines* the *Judges*, and therein consequently his *Imperial Authority*, who, what in him lay, had Authorized the *Alexandrian Council*, and bids him give the Bishopric to whom he pleased, not *owning his Right* so to do, but *yielding* to what he counted *down-right Violence*, if *Theodosius* please to use it. Upon this the Emperor sends him back to *Antioch*, though resisting his Synodical Conduct herein, and so for want of *Flavian*'s Appearance, and farther Prosecution, the *Alexandrian Session* was prevented. So fruitless and vain are the *uncanonical Interpositions* of Princes in Ecclesiastical Causes and Proceedings. 3*dly*, The *Capuan Council* dealt in matters not *directed* not *licensed* by the Emperor, contrary to Doctor *Wake*'s universal Negative Assertion, (2).

(2) *Auth. of Chr. Pr.* p. 48.

Under this *Duumvirate.*

Councils called by the Emperors

Council of *Capua*, *anno* 398, or 390.
Council of *Alexandria* called but not met.

Councils not called by the Emperors.

Council of *Rome*, *anno* 390.
Council of *Milan*, *anno eod.*
Council of *Sangarus*, *anno* 391.
Council of *Macedonia*, under *Anysius.*

Councils under Theodosius *alone.*

Council of *Bagais* confirmed by the Emperor against the *Maximianists* at the request of the *Primianists*, *anno* 394.

Councils not called by him.]

Council of *Hippo*, *anno* 392.
Council of *Constantinople*, between *Bagadius* and *Agapius*, [*anno* 394.

Council

Council of *Adrumetum*, *anno* 394.
Council of *Cabarſuſſa* and *Bagais*, *anno eod.*

XXVIII. *Of the Councils at the* Oak *in the Suburbs of* Chalcedon, *and at* Conſtantinople *againſt St.* John Chryſoſtom, *Anno* 403.

HOw dangerous the mixtures of *Spiritual* and *Secular* Powers heretofore were in matters Eccleſiaſtical, as it appears almoſt in all Inſtances, ſo very eminently in the Tragedy of St. *John Chryſoſtom*. *Theophilus* Biſhop of *Alexandria* had not only cenſured the *long Brethren as Origeniſts* in this Council, but had alſo himſelf by *Military force* driven them out of the City. This gave them juſt occaſion for complaint againſt him to the Emperor, which they made at *Conſtantinople*, and this procured his Accuſations againſt them likewiſe to the Emperor, and drew St. *Chryſoſtom* Biſhop of this Imperial City, firſt into the offices of *Mediation*, and afterward into the *Contention* it ſelf, which ended in his total Oppreſſion. For having by his unbyaſſed ways of Rectitude provoked the Diſpleaſure of *Theophilus*, and thereby of *Epiphanius* and their Party, as well as before diſguſted ſeveral others by the ſeverity of his Behaviour and Diſcipline, he had no ſooner diſobliged the vanity of the Empreſs *Eudoxia* by preaching againſt the ill manners of the Sex, but ſhe complains of him to the Emperor, and ſollicits his great Enemy *Theophilus* to repair to *Conſtantinople*, who came with ſome *Egyptian* Colleagues, and he was lodged in one of *Eudoxia*'s Houſes. Hither alſo came from *Aſia* thoſe, whom he had depoſed, or otherwiſe offended, and they under *Theophilus* made up a Synod againſt *John* at the *Oak*, in the Suburbs of *Chalcedon*, where the Emperor required *John*, and his Accuſers to appear. This was refuſed by St. *Chryſoſtom*, his Judges being Strangers and Enemies, whereas by Canon he was to be judged by his own and neighbouring Provincials, the which even this ſame *Theophilus* had pleaded for himſelf in bar to the Authority of a *Conſtantinopolitan* Synod over himſelf. At laſt he deſires the removal of *Theophilus* and his

his *Egyptians*, and three others his open Adversaries from being Judges, and then he would submit to the Council, though not Canonical. But being herein refused, and so refusing Appearance, they condemn him, and farther request *Arcadius* to punish him for Treason; because in this (forsooth) they (good Men!) were not Judges. Immediately the ill Custom of Banishment falls of Course upon the Synodical Sentence, and hence follows a popular Mutiny, to avoid which the injured Saint surrenders himself privately to be carried into Exile. This encreases the Tumult, and frightens the Empress to interceed and send for his return; upon which, though he would not resume the Chair without Absolution by a more numerous Synod, yet the impatient People forced him by the Restitution of Thirty Bishops then in Town; and so *Theophilus* was fain to troop off.

Not not long after the Empress, being again exasperated at his Sermons, resolves at any rate to be rid of him, and to that end to procure his Condemnation in a Synod, without admitting any Plea at all. And on colour hereof the Emperor executes all the barbarous and cruel Revenges of the Empress on his Person, aud his Communion. All which Practices were condemned for *ill* and *null* by Pope *Innocent*, the *Western* Church and his Imperial Brother *Honorius*, insomuch that hence followed a *Schism* between the *Greek* and *Latin* Churches, (1).

(1) Vid. in *Pallad.* in vit. *Chrys.* *Socr.* l. 6. κ. ιε'. ις'. ιη'. *Soz.* l. 8. κ. ιζ', ιη', κδ', κς', &c.

From all which Tragedy it is to be observed, 1st, That no Bishop ought to use Military or Secular Violence to enforce, or second his Spiritual Censures, as *Theophilus* did upon the *Long Brethren*, as for many other reasons, so for this also, that Church matters may not hereby be scandalously drawn to a Secular Cognisance. This Practice in Bishops must proceed from a bitter Root. It was so rare a thing as yet even in that Age, that *Socrates* reports that one *Theodosius* Bishop of *Synada* in *Phrygia Pacatiana* was stigmatiz'd for a Monster, for Persecuting the *Macedonians* (of which there were plenty in that Province, and that See) and all Heretics out of Cities and Countries, not accaccording to the Custom of the Church, nor Zeal for the Faith, but to get the Heretics Money, (2) And it can be nothing but a vitious corruption of the Heart, that can *push with* a Priest upon such Practi-

(2) *Socr.* E. H. l. 7. κ. γ'. ἓν εἰωθὸς διώκειν τῇ ὀρθοδόξῳ ἐκκλησίᾳ, ἔτε μὴν ζήμιῳ ἢ ὀρθοδόξε πίστεως.———

ces,

ces. 2*dly*, 'Tis not fit for Emperors to violate Canons in convening Councils of Strangers on Biſhops, who are to be judged by their *Comprovincialls* and *Neighbours*. 3*dly*, 'Tis not fit for Emperors or Biſhops to become Tools to each other in the execution of Malice by contrived Synods. 4*thly*, 'Tis not fit Secular Puniſhment ſhould of courſe follow Eccleſiaſtical Cenſure. 5*thly*, That *Emperors* had no Authority in themſelves to condemn *Biſhops* in *matters Chriſtian*, and ſo were forced to pack up ſham-Councils for a pretence of Authority; and conſequently Councils *were more than of Advice and Counſel to them.* 6*thly*. That foreign Churches, by the Right of Catholic Intereſt and Communion, may condemn ſuch *null* Procedures of Synods with an ἀκοινωνησία, though pretendedly confirmed by Emperors, till a reparation of Right. 7th. That Princes were wont to uſe, or abate the Exerciſe of their Powers upon Paſſions, and by-Intereſts, without regard to the Spiritual State of Mens Souls. Hence *Eudoxia*, that procured his firſt Expulſion, firſt laboured for his Return and Reſtitution, for fear of the Tumults. Either then his firſt Condemnation, or his Reſtitution muſt be *naught*; If his firſt Condemnation, that muſt ly at the Imperial Gate as well as the ſecond; If his Reſtitution were *naught* and *null*, what Authority had the Emperor and Empreſs to admit, procure and confirm it by a formal Synod of Biſhops to pacifie the enraged People? So that what *Arcadius* did herein muſt deſtroy that *Imperial Authority* in either the one, or the other Inſtance, which yet the Doctor's Principle juſtifies in all.

Under *Arcadius* and *Honorius*.

Councils called by the Emperor.

Council at the *Oak*.	*anno* 403.
Council at *Conſtantinople*,	*anno eod. vel ſeq.*

Councils not called by the Emperors.

Council of *Turin*,	*anno* 397.
2 Council of *Carthage*,	*anno eod.*
3 Council of *Carthage*,	*anno eod.*
4 Council of *Carthage*,	*anno eod.*
5 Council of *Carthage*,	*anno* 398.

Council

Council of *Alexandria con. Orig.*	*anno* 399.
1 Council of *Africa*,	*anno eod.*
Council of *Conſtantinople*,	*anno* 400.
1 Council of *Toledo*,	*anno eod.*
3 Council of *Africa*,	*anno* 461.
1 Council of *Milevis*,	*anno* 402.

XXIX. *Of the* Carthage-*Conference with the* Donatiſts *under Count* Marcellinus, *Anno Chriſti* 411.

THis Conference is alledged by the Doctor as an illuſtrious Inſtance, that in the *Seſſion* of Synods the *Civil Magiſtrate may preſcribe to them Matter, Manner, and Method*, &c. For *Marcellinus*, appointed *Commiſſioner* by the Emperors *Honorius* and *Theodoſius Junior*, ordered their ſet numbers, with their Offices on both ſides, Time, and Place, and forbad the Preſence of all others, Clergy and Laity; that he alſo made the Biſhops engage to abide by the Acts of their Delegates, to chuſe of each ſide four Clergy-men Notaries, and four Biſhops of a ſide their *Superviſors* and *Confirmers*, and by theſe Meaſures to proceed. (1) And 'tis but a Cavil to object that this was no Synod, *ſeeing it is plain it was a meeting of Eccleſiaſtical Perſons on an Eccleſiaſtical Affair; and there can be no Reaſon given, why, if the Emperor has ſo much Authority over ſuch an Aſſembly, he ſhould not have as great a Power over any of the like kind*, i. e. *Synods*.

(1) *Author. of Chr. Pr.* p. 58, 59.

In Anſwer whereto I muſt complain, that the Hiſtory is not fair, and next that the Inference is not good. For firſt of all, the Emperors did not call or order this Conference *on their alone proper Authority*, ex officio, *merely as Emperors*, but *at the deſire of the Parties*, eſpecially the *Catholics*, appealing to the Judgment, or Arbitrarion of an *Imperial Judge* upon a matter of *Fact*. (2) So that the *Imperial Authority* herein for this once was not *ex mero Jure Imperii*, but from the *actual Refe-*

(2) Geſt. 1. Cognit. c. 50 *Conſona ſiquidem utriuſq; partis petitio ad hanc principem ſententiam provocavit vid.* c. 4.

rence

rence of both Parties. And consequently can but recommend a *Right of Secular Arbitration* by Princes, or *their Commissioners* on *Matters or Facts Ecclesiastical* upon the *reference* of *Ecclesiastics* and *their Adversaries*; and in vertue of that Trust and Power committed by *Reference*, to order the Procedures, either according to contracted Rules, or otherwise the Discretion of the Secular *References*, whether *Heathen*, *Heretic*, or *Christian*. But what is this to the *inherent*, *ordinary*, and *perpetual* Right of all *Christian Princes (as such)* so to dispose of *Synodical Procedures without any previous and voluntary Reference?*

Again it was referred by the *Catholics* on this Condition, *that each party of Bishops should out of their own body choose their respective Disputants*; (3) but the *number* of *Disputants*, *Assistants*, *Notaries*, *Supervisors*, &c. not being contracted for by the Parties, were at *Marcellinus*'s Discretion, not *originally* from *mere simple Imperial Authority*, or the Empeperor's *Mandate*, (which ordered only a *Conference* but not the *form* of it [4]) from Power herein *virtually granted* by the Parties to the *Judge referred* to. For the Church has always taken those for the *most Authorittative* Judges, which Men choose themselves, and has by Canon decreed their Sentences unappealable. (5) And hereupon in the next place it will be necessary to consider the reason of such an *unusual Reference*. This at this Juncture seems to be the Complaint of the *Donatists* against their Oppression by *Imperial Laws* past against their *Conventicles* and *Practices*; which lest it should seem grounded and invidious to the Church, the Catholics long desired them to joyn in such a *Conference* before the Powers to justifie the Causes of such Complaint, which they could never bring the *Donatists* too till now. And therefore, herein to shew them all Equity, *Honorius* at present *suspends the Laws against them, that no Man might think himself empowered by the Emperor to sin against God's Service.* (6) And truly this was a principal Matter in the Conference, wherein the *Odium*, of introducing Secular Judgments and Laws in this Cause, charged upon the Catholics, is retorted strongly upon the *Donatists* themselves,

(3) *Gest. 1. Cognit. c. 4.*

[4] Gest. 3. Cognit. c. 51. *Nec enim clementissimus Princeps formam collationi dedisse monstratus est, sed tantum collationem debere fieri judicavit.*

(5) *Concil. Afric. c. 63.*

(6) Gest. 1. Cognit. c. 4. *Illudq; merito profitemur, libenter ea quæ statua fuerunt submovere, ne in Divinum cultum se quisquam, nobis Authoribus, æstimet posse peccare.*

ſelves, their Examples and Provocations. For 'twas *they* began firſt to accuſe *Cecilian* to the Emperor; (7) 'twas *their Primianiſts* procured the Secular Powers to drive *their Maximianiſts* out of their Churches (8); and yet repin'd that this was done by the *Catholics* againſt them. Of which there were two Cauſes, one that the Catholics might quietly enjoy their Churches, another the Seditions of the *Donatiſts*, eſpecially of their *Circumcelliones*, to be quieted, both which merited the Care and Inſpection of Civil Powers; the *former* upon the complaint of the Church, the *latter* even without complaint. And thus the Original Grounds of the *Schiſm*, breaking out into Sedition, and this Sedition engaging the Civil Powers, were drawn into civil Cogniſance and Reference, of which in mere matter of Fact they were ſufficiently and competently capable of judging upon *Reference*, though not by *mere Canon*, eſpecially in order to *Civil Peace*.

(7) *Geſt* 1. *Cognit.* c. 16.

(8) *Ibid.* c. 18, & c. 55.

Secondly, We are to conſider, whether this was a *proper Eccleſiaſtical Synod*, in order to the judging of the *Doctor*'s Inference: This the *Doctor* at firſt did drive at, though upon inevitable Conviction he ſhrinks from it now. And firſt I own that this Aſſembly is called *Concilium* in its own Acts, (9) not intending however a mere *ordinary*, *proper*, or *canonical* Church-Synod; for in every ſuch Biſhops are the *Judges*, whereas here they were only *Litigants*, before a *Secular Umpire*. Again the form of Procedure here was not *Eccleſiaſtic*, but *Forenſic* altogether, as appears notoriouſly in all the *Acts*, and by the particular exception of *Petilian* the *Donatiſt*, (10) and the Acknowledgment and Reaſon of Count *Marcellinus*, (11) 3*dly*, In Canonical Synods no Catholic Biſhops are excluded, eſpecially from their own Provincial and Domeſtic Synods. 4*thly*, No *notorious Schiſmatics* are admitted to an equality with *Catholic Biſhops*, as they were in this *Conference*. 5*thly*, Neither of theſe Parties *were of Council to the Emperors*, nor had *any Authority Synodical from them* according to the *Doctor*'s *Hypotheſis*. 6*thly*, The Sentence was purely *Civil* and *Synodical*, pronounced by *Marcellinus* without any Epiſcopal Subſcriptions, or Cenſure. So that this was ſo far from being formally

(9) *Ibid.* c. 5, 10.

(10) *Geſt.* 1. *Cognit.* c. 53.

(11) Ibid. c. 54. *Si, nullo poteſtatis ſecularis judice reſidente inter Epiſcopos, tantum hæc contentio tractaretur, tum demum eorum erat arbitrii, & forſan juſti, ut nihil velint jure tractari; me autem, cum legumlatores ii ſint, qui me judicem delegerunt, a legibus certum eſt deviare non poſſe.*

mally an Eccleſiaſtical Synod, that it had only the form of a Civil *Forum*, and therefore is of no *Exemplary Precedence* for the like Methods of managing Synods according to the very confeſſion of *Marcellinus* himſelf above recited; and therefore it was a ſtrange Torture and Impertinence in the *Doctor*, to adduce this *Conference* as *Preſcriptive* upon *Synods*, and fill up therewith three pompous Pages to no purpoſe. *7thly.* It was of no effect toward the end deſigned, the *Donatiſts* ſtill complaining of their Oppreſſion here-

(12) *Vid. Epiſt. Syn. Cirt. anno* 412. in, (12) and aſſembling a Council of Thirty of their own Biſhops upon the Emperor's Proſcription of them, in which they Decreed not to forſake their Churches, and to prevent their Baniſhments by a voluntary Death, that ſo they might be eſteemed Martyrs among their own People, or by the horror thereof ſtop the Proſecution.

Under this *Duumvirate.*

Conference appointed by the Emperor.

Carthage *Conference*,	*anno* 411.

Councils not called by the Emperors.

Council of *Cirta.*	*anno* 412.
Council of *Donatiſts*,	*anno* 414.
1 Council of *Carthage*,	*anno* 414.
Conference at *Jeruſalem* on *Pelagius*'s Cauſe,	*anno* 414.
Council of *Dioſpolis*,	*anno* 415.
2 Council of *Carthage* againſt *Pel.* and *Cæl.*	*anno* 416.
2 Council of *Milevis*,	*anno* 416.
Council at *Carthage* againſt *Pel.* and *Cæl.*	*anno* 418, &c.
Council at *Carthage* againſt *Pel.* and *Cæl.*	*anno* 418, &c.
Councils at *Carthage* on the caſe of *Apiarius*,	*anno* 419.
Council of *Telepel*, or *Tella*,	*anno* 418.

XXX. *Of the firſt Council of* Epheſus *being the 3d General Council,* Anno 431

THis Council, being produced by the *Doctor* as one of the *moſt eminent Precedents* for his Cauſe, muſt be well conſidered in all its Proceſs, becauſe it affords great variety of Matter and Obſervation to our preſent purpoſe. Beginning then firſt of all with the *Call* thereof, we are to enquire into four Particulars, 1*ſt*, The *Occaſions*, 2*dly*, The *Perſons called*, 3*dly*, The *Time*, 4*thly*, The *Form*. Firſt then the *Occaſions* of this Council were ſuch; Several Clergy-men and Monks at *Conſtantinople*, being offended at the Doctrine ſet up by *Neſtorius*, and making head againſt it, were moſt barbarouſly uſed by the Power of *Neſtorius*, but at the ſame time *Cyril* of *Alexandria*, and *Cæleſtine* at *Rome* were engaged againſt him, and holding each of them a Synod, doom'd him to Excommunication and Depoſition, if he recanted not in ten days after the delivery of the Sentence to him. Now theſe two Synods were not called by any Emperor, nor were of Counſel to him, nor acted by any Imperial Commiſſion, or the 5*th Nicene* Canon, becauſe they Decree a Sentence upon a Biſhop out of the *Roman* and *Alexandrian* Dioceſes and Provinces. How this was to have been executed yet appears not, becauſe of *Neſtorius* his Interpellation with the Emperor for a General Council; (1) but it could not have been regularly done, but by convening a Domeſtic Synod for the final Accompliſhment and Execution of the Sentence. But *Neſtorius* having been ſuch a Perſecutor, the offended Clergy at *Conſtantinople* preſent a Libel to *Cyril*, which upon his Comprobation they would offer againſt *Neſtorius* to the Emperor; but *Cyril*, looking upon ſuch Methods to be invidious and unbecoming, as yet declined it for the preſent, (2) though after *Canonical Cenſure* he Complains (*). But the Evils and Oppreſſions ſtill increaſing under *Neſtorius* at *Conſtantinople*, *Baſil* the *Deacon* and *Archimandrite*, and the other oppreſſed Monks, did upon good grounds complain to the Emperors againſt theſe Violences, and deſire a General Council as alone ſufficient to confirm the Faith,

(1) *Cæleſt.* P. Epiſt. ad *Pleb. Conſtantinople* ap. *Concil. Eph.* Part 3. c. 23.

(2) *Concil. Eph.* Part 1. c. 12.

(*) *Ibid.* c. 24.

(3) *Concil Eph.* Part. 1. c. 30. ἡμεῖς γὰρ ὑμᾶς παρεκαλέσαμεν περὶ σωφρόνος οἰκουμενικῆς τῆς δυναμένης ἀκινδύνως ΚΡΑΤΥΝΑΙ——— χωλύσαι τὰ σαλευόμενα, &c.

(3) which had been shaken or broken. From whence we draw these Observations; *first*, That it is intolerable for Bishops to use Military Force upon any inferior Orders, or the Laity, to enforce a silence under their Novel Doctrines, especially when contrary to the Faith; 2*dly*, That this is a good Cause to complain to Secular Powers to remit such Doctrines to the Judgment of the greatest Council to be had within their Dominions: 3*dly*, That 'tis improper and odious to complain of a Bishop to Princes, on a mere cause of Heresie, before Canonical Condemnation; 4*thly*, That Councils are the supreme and most efficatious Judicatories to establish Faith against Heresies, by the Appeal both of *Nestorius*, and his Prosecutors, made, not to an *Imperial*, but *Synodical* Judgment.

Now these differences had been so very fruitful, not only of *Ecclesiastical*, but also *Civil* Disorders, that *Theodosius*, though *slow* and uninclined, was yet forced to call a General Council (4) to *establish* Orthodoxy; of which the Emperors give this account in their Letter to *Cyril*, and the other Metropolitans. † *The State of our Government depends upon Piety toward God, there being a great Alliance between them. For they cohere each with the other, and jointly improve together. We then, being by God's Ordinance the Ligatures of the Piety and Prosperity of our Subjects, are resolved to maintain the Union of these inviolate.——— For we cannot take care for the one, while we neglect the other; and therefore for our time we by preserving the Peace of the Church shall keep our State free from Sedition.——— Hereupon we have often thought a Synod necessary, but have been slow herein, that we might not trouble the Holy Bishops. But now the Controversy upon Ecclesiastical Exigences, and the Civil ones in conjunction with them, have made a Synod most necessary and unavoidable*, &c. (5) which certainly could not have been, if Synods had been *only of Council and Advice to Christian Princes*,

(4) *Chariſ.* Libell. oblat. *Syn. Eph.* Act. 6. πᾶζαν ὁμῦ τὴν ὑφ' ἥλιον διετάραξεν, ὧς χὴ τῆς φιλοχείσας βασιλέας ἀναγκαδῶσι θεσπίσαι τὴν ὑμετέραν ἁγιωσύνη ἐνταῦθα σωελθεῖν τὰ τῆς ὀρθοδοξίας ΕΠΙΚΡΑΤΥΝΑΙ δόγματα.

† For they had Wars at that time against the *Persians*, and the *Barbarians* in *Africa*, which required Peace within the Empire.

(5) C. Eph. Part 1. c. 32.

Princes, and every Chriſtian Prince at liberty, whether he will *call*, *uſe*, or *be directed* by them, or no, (6)

(6) *Auth. of Chr. Pr.* p. 84, 85, 44, 45.

From all which Premiſes, let us ſee how far they will be *exemplary Precedents* for the *Regal Right* of *calling* Synods; namely when Eccleſiaſtical Affairs do by the complication of Civil Diſorders give an intolerable diſturbance to both the *Civil* and *Eccleſiaſtical State*, and the Litigant Parties on both ſides claim of the Prince ſo great a Synod, which he, and he only can convene, for the final ſettlement and compoſure of the Differences, to which the Prince is ſenſibly convinced, that ſuch a Synod is not only neceſſary, but inevitably ſo; there he may call ſuch Synod, that by determining Sacred Matters may make a way for the Prince to heal the Civil Ruptures, that have followed and iſſued from the Eccleſiaſtical. I do not ſay, that Princes have no more Powers but *this*, and that under theſe limitations, but that they can challenge no more by arguing from *this Precedent*, which therefore will not reach, nor affect the Caſe, or Queſtion of ſuch ordinary and ſtated Synods, which are held in a State of Peace Eccleſiaſtical or Civil, or in a *Schiſm* that does not affect or involve the Care and Intereſt of *Civil Powers* againſt *Corporal Violences*. Hence it falls far ſhort of the *Doctor*'s *Hypotheſis*, which requires *Regal Authority to the Aſſembling of all Synods whatſoever.*

Secondly, We are to conſider the Perſons called to this Council, becauſe the *Doctor* preſcribes from hence for Authority in the Chriſtian Prince to direct the choice of them, or to admit or exclude whom he pleaſes, (7) becauſe the Emperor wrote to *Cyril*, and every Metropolitan, to bring with them a few of their *Comprovincials*, ſuch as they ſhoud think fit for a Synod, leaving enough at home to take care for, and govern each Province. (8)

(7) *Ibid.* p. 38, 39, 42.

(8) *Concil.* Eph. *Part* 1. *c.* 32.

But how does this appear to be an Arbitrary Direction of the Emperors upon his own pretended Right? Whether he would call a General Council or no, he was at liberty; no body could compel him. But if he would call one, he was obliged to admit Metropolitans, and ſome Biſhops beſide, out of every Province, if he would have it *truly General* to oblige every Province. But perhaps the old *Neſtorian* Objection againſt the *Multitude* of the Catholic Biſhops will be brought in favour of the *Doctor*'s *Hypotheſis*, namely, that the Emperor commanded a few only to be brought by *each Metropolitan*, which was an indefinite Reſtriction againſt a *Multitude*, and that he Authorized the

Metropolitans to choose the Persons of those few. To which I Answer, 1*st*, That his direction for a *few* was not *restrictive* against *many*, but only *preceptive* of *at least a few*, which *at least* the Canon requires in such Councils, and so it was not a mere *Imperial Constitution*, in which also he allows a Latitude for as many as *the Metropolitan* thought fit, provided enough were left at home to govern each Province in the mean time, which not only *particular Canons*, but the *essential Constitution* of the Church, and *its Reasons* also require in such Cases, of which this *Imperial Order* was but a *particular enforcement*, but no *Rule originally Imperial*. And on this Apprehension *Cyril* brought 50 Colleagues out of *Egypt*, and *Memnon* convened above 30 out of *Asia*, still leaving enough behind for the Conduct of the Provinces. The *Nestorians* indeed complain of *this* as a breach of the Emperor's Order; but they were *Nestorians* that did so, because of their own inevitable Paucity. But the Emperor, to whom their Complaint was made, never approved it in that Particular, nor rebuked, or dock'd off the others *Multitudes*, as a *violation* of his *Precept* and *Authority*; which shews, that either the *Intent* of the *Precept* left a *Latitude* for such a *Multitude*, or that the *Precept* was not of a good *validity* to *obstruct it*, if the Primates pleased. 2*dly*, That the Emperor by this *Precept* gave the Right of chosing these few Suffragans by name to the Metropolitans does not appear from *this Precept*, which may only enjoyn them *pro hic & nunc* to use that *Metropolitical Power*, which by Canon they had before. For this they had in *part*, though not *solely*, from the 34*th* Canon *Apostolical*, by which, in things concerning the whole Province, neither *Metropolitans*, nor *Suffragans* were to act seperately. And hence *Primates* and *Metropolitans* were wont to convene their respective Synods for the joynt choice of Delegates to attend them to the great Councils, by which the whole Provincial College might be obliged to admit their Acts in the great Synods, upon the Powers given them in such a Synodical Election; which the Private Election, made alone by a Primate, could not bind them to. Hence upon this very Precept, *John* of *Antioch* was forced to call his *Eastern* Synod to choose their Delegates. And when the Emperor's Letters to the *African* Church were delivered to *Capreolus* of *Carthage* as the chief Bishop, he complains, that because of the Wars, and the shortness of the time, they were not able to Assemble a Council to choose Delegates,

gates, and he himſelf, not being able to appear, ſent *Beſulas* his Deacon with Letters of excuſe to the Synod hereupon (10) Whereas had the *ſole Power* been given to him alone by the Emperor, this had been no *Excuſe*, but a *Conceſſion of Contumacy* in the *Renunciation* of the *Imperial Authority* given to him only. If it be here Objected, That *Africa*, being at this time infeſted with Wars, was not under the actual Dominion of the Emperors, and ſo the Imperial Letters not Authoritative, but Inviting only; then I Anſwer, *1ſt*, That, on this ſuppoſal, the *Africans* were not called by *Imperial Authority*, and hence perhaps *Capreolus* wrote his Excuſe to the Synod, not to *Theodoſius*; but the particular demand of St. *Auguſtine*'s preſence made in the Emperor *Theodoſius*'s Letter (11) ſeems to import more, upon the concurrent conſent of *Valentinian* the Weſtern Emperor, in whoſe Right *Africa* was, though in a State of War. Nor does this particular direction for St. *Auguſtine* preſcribe for a Right of *excluding* any that ſhould have come in their own Name, or upon the Miſſion of their Colleagues, which is the only thing that I oppoſe herein. And therefore the Petition of the *Neſtorian* Synod under *John* of *Antioch*, that the Emperor would require out of each Province the *Metropolitan* with two only *Suffragans*, and thoſe alſo to be *called* and *ſelect*, that ſo the Council might be *Legitimate*, was not regular, (12) but a *Schiſmatical Policy* and *Contrivance* to weaken the Catholic Intereſt by reducing it to a *Paucity* like that of their own; whereas the Canonical and Catholic Rule and Practice of Councils, founded in the ſupreme Sanctity and Freedom of the Epiſcopal Order, excluded no Biſhop, Domeſtic, or Stranger, from pure and free Councils. And therefore *Theodoſius* never liſtned to this *Neſtorian* Requeſt, though ſo much contributing to the Advantage of his own *Imperial Supremacy*. And yet even this Petition ſavours not of the *Doctor*'s ſecond *Aphoriſm*, that Synods *are only of Counſel to the Prince*; for what reaſon could there be for ſuch Forms of ſtinting the Advice and Counſellers of Kings?

(10) *Concil. Eph.* Act 1.

(11) Ep. *Capreol.* ad *Synod Epheſus.* ibid. ——βασιλέως Θεοδοσίᾳ τοιαῦτα εἰς τὰς ἡμετέρας χεῖρας γεγράμμαται ἐλύθεν, ἅτινα—— Αὔγουστίνῳ τῷ παρουσίαν ἰδίκως ἀπῄτει.

(12) *Concil.* Epheſ. *Part* 2. Neſtorianor. *cum ſuis ante advent.* John Antiochen. *& Relat.* John Antioch. *cum ſuis per Pallad.*

The third thing observable in the *Call* of this Council is the *Time* prefixed by the Emperor, namely *Pentecost*. At this the *Africans* could not have been present, had they been in a state of Peace, and without Impediment, as *Capreolus* assured them. The Deputies from *Rome*, *Sicily*, and *Italy*, and *John* of *Antioch*, and his Colleagues came not till after the Condemnation of *Nestorius*, through several preliminary Occasions and Interruptions, real or pretended. The *Egyptians*, *Asians*, and *Constantinopolitans* were there *before*, or *at* the time appointed, and yet opened not the Council till 16 Days after; and then *Nestorius* refused to appear on the pretended absence of the *Easterns*, *Italians*, and *Sicilians*; and *Candidian* supported him herein: Whereas had the *Time* been wholly in the *Imperial Commission*, the not executing it at the *Time* had *ipso facto* nulled the whole *after-Session* and *all its Acts*. And upon the *Doctor*'s Notion the *Eastern* Complaint against the opening of the Council so soon had been ridiculous, and all being *null* for not opening it 16 Days sooner. Beside the suspition, or sence that the Council had of *John*'s design in lingring, that he might not be present at the Condemnation of his unrelievable Friend *Nestorius*, and thereby involve himself, afterward appeared true. For he sent before him *Alexander* of *Apamea*, and *Alexander* of *Hierapolis* with Orders concessive upon his delay to proceed without him, (13) and hasten the Execution of the Imperial Orders; though yet he wrote to *Cyril*, that he would be there in four or five Days. (*) This neglect of *Imperial Orders Cyril* and his Synod thought unbecoming (14) and liable to blame, yet was it not penally censured, either by the Synod, or the Emperor; so that it seems, as an involuntary failure was excusable, so a voluntary one was not censurable. (15) So little can the *Call* of this *Ephesine* Council prescribe for the *Pronuntiamus contumacem*, and those Powers, which the *Doctor* herein arrogates to all *Christian Princes* as *such*. 'Tis true indeed.

(13) *Concil.* Ephes. *Part* 2. *Relat. Syn. de depos.* Nestor. & Cyril. *Al. Ep. Concil.* Eph. *Part* 3. c. 13.

(*) *Conc. Eph.* p. c. 36.

(14) *Conc. Eph.* Act. 1. *Cyril.* Epist. ad quosd. Cleric. *Constantinop.* ὁ γὰρ ὢν καταφρονῆσαι ἀποστολικῶν θεσπισμάτων *vid. Part* 3. c. 13. & *Relat. de subscrip. Impp.*

(15) Conc. Eph. *Part* 2. *Relat.* Nestor. *cum suis Impp. ant. advent* Joh. Antioch. *liberat Breviar.* c. 6.

4*thly*, The

4*thly*, The form of *this Call* added to the *Precept* a Menace, *That the Emperors ſhould not endure any one to be abſent, but ſuch a one ſhould be without excuſe before God and Them*; (16) which ſhews an anger at *Cyril* and others (with whom *Theodoſius* was offended, becauſe of their Proſecution of *Neſtorius*) of which it was the *effect*, and ſo an *exerciſe* of *Domination* rather than *Right*; but the Synod as much as they were provoked by *Neſtorius* and his Party, never thought omiſſion of time ſo much canonically cenſurable, nor entered it into their Acts as ſuch; however the Threat ſhews that, as it had no good *exemplary Precedent*, ſo neither were the threatned Biſhops thought *only to be of Counſel* to *Theodoſius*, to which Station Men are ſpurr'd on with Honour, not with Terrors or hard Language.

(16) *Conc. Eph.* p. 1. c. 32.

After the *Call* paſs we to the *Seſſion*, or rather *Seſſions*, ſince they divided into two, one againſt the other. And herein firſt we are to enquire into the *Precedence*, and ſecondly the *actual Interpoſition* of the *Imperial Commiſſioners* in the Matter and Method of the Acts. And firſt Dr. *W.* aſſigns the *Preſidence* to Count *Candidian* by vertue of his *Imperial Commiſſion*. (17) To the Tryal whereof we are firſt to look in his *Commiſſion*, and ſecondly his *Execution* of it. And firſt the *Imperial Letter* to the Synod, containing his *Commiſſion* and *Powers*, uſes not any term of *Preſidence*: Nay it particularly reſtrains the Count from that Affair, in which *Preſidents* are Prince, or chief Agents, namely, from medling with *dogmatical Queſtions, as belonging only to Biſhops*. (18) And it appears, that his whole buſineſs was to be Guard and Watch-man only againſt tumultuous Diſorders nay the *Doctor* elſewhere owns *Cyril* to be *Preſident* of the Council, to whom, as *ſuch*, *John* of *Antioch* wrote to proceed without farther delay, (19) and not to *Candidian*, which yet he muſt have done had the Count been *ſole* or *chief Preſident*. But ſecondly let us ſee, whether he was for a *proper Preſident* in the *actual Execution* of his *Powers*. Firſt then the Catholic Synod was opened and carried on by *Cyril* and *Memnon* contrary to *Candidian*'s Prohibition, as ſoon as they had forced him to impart the Emperor's Synodical Letter to them, and drove off the Biſhops which *Neſtorius* and *Candidian* ſent them, turning out *Candidian* as a Perſon not fit to have to do in their Diſcuſſions and Determinations, if we will believe *Candidian*'s own Depoſition in the Anti-Synod before *John* of *Antioch*. (20) 'Tis true, the *Neſtorians* would have had the power

(17) *Auth. of Chr. Pr.* p. 14, 15. 50. *Vide.*

(18) *Conc. Eph.* p. 1. c. 35.

(19) *Auth. of Chr. Pr.* p. 62.

(20) *Concil. Eph. Part* 2. *Act Concilitata* Neſt.

power of Adjournment in *Candidian*, and so declared *they would assemble when* Candidian *should require them*; but this was to serve a Cause or Turn, not out of any *Catholic* or *known* Principle, of which the Catholics could not have been ignorant, nor the morose Emperor so insensible and unconcerned, as yet he was. Finding then the Synod resolved on their own way, he goes over to *Nestorius*, and so to the Anti-Synod, which pretended it self called by the Emperors, and to fulfill their Will. Well but did he take the Chair here? No; *John* of *Antioch* had taken that in the Right of his See, *Nestorius* (though of an higher See) being (forsooth) to be judged in this Synod. But poor *Candidian* comes in as a *Deponent*, and, after his Deposition taken, out he goes, and retires, and had no more to do neither within this Synod, at which he neither repined, nor complained, as neither did *Theodosius*, from whom he had his Powers. But in the Catholic Synod *Cyril* was for the most part *President*, except in *those Acts* wherein he became *Petitioner* to the Council. The *Romanists* will needs have him *President* in the Pope's Right as his Representative, for which they have some colour from Antiquity, accounting *Cælestine* and *Cyril* President, (21) but by a joynt Authority not Sole of the *Roman* See, for if he had not had any Commission from the Pope, (as perhaps he might not, because the Pope sent other Deputies, who in his Name examined, and consented to the Council) yet the *Eminence* of his See would have challenged, and given him the *Presidence*; nay otherwise it had not been fit, that *Nestorius*'s Adversary should have made himself the chief of his Judges. But however that he had not this *Presidence* from the Emperor is hence evident, that the Emperor favoured *Nestorius* then, and was greatly offended at *Cyril* for his Prosecution of him; (22) And however when *Cyril* sate not as President, *Juvenal* and *Memnon*, &c. that sate so, sate not so by any *Imperial* or *Papal* Commission, but some other Canonical Order. So little, so nothing of Countenance is there for the *Doctor*'s Notions in this Particular.

(21) Ita ait *Marcian* Imp. ap. *Concil. Chalced*, Part 3. c. 4, 12. προεδεύονλων Κελεστίνε τε τῦ ὁ Ρωμαίων καὶ Κυείλλε τῦ ὁ Αλεξανδρέων πόλεως, ἐπισκόπων. *Liberat. in Brev.* c. 6. *ex ipsi. form. Action. Concil.* Eph. *vid. Action.* I. II. &c.

(22) *Sacr. Imp. ad Cyril. Concil.* Eph. *Part* 1. c. 31. *Liberat.* c. 4.

After

After the *Preſidence* come we to the *Matter* propoſed to this Council, adduced by the *Doctor* for his Principle, and General Aſſertion hereupon, for the *propoſing Right* and *Practice* of *Chriſtian Princes*. His General Aſſertion, which I oppoſe, is univerſally Affirmative and Negative of all Synods, that *when they have been aſſembled, the ſubject of their Debates has been preſcribed them by the Power of the Prince, and they have deliberated on nothing, but what they have been directed or allowed by the Prince to do.* (23) This he goes about to prove by *Induction* from Particulars; among which *Candidian*'s Commiſſion comes in for one Inſtance; part of which was *not to ſuffer the Fathers to enter upon any other matter, till their reſolution of that for which they were called.* (24) But this comes not up to the *General Aſſertion* in the *Negative part:* The *Epheſine* Fathers were not to meddle with any buſineſs till they had ended that of *Neſtorius*; very well; but it follows not hence, that after the ending of that Buſineſs, they deliberated on nothing without *Imperial Direction* or *Allowance*. So that the Inference is naught, and inſufficient in it ſelf, though we had no matter of *Fact* to the contrary. But in truth the thing appears otherwiſe in *Fact* upon ſeveral Matters there agitated after the *Neſtorian* Cauſe, without any *Direction* or *Licenſe* given them by the Emperor, or his Commiſſioners; ſuch as were *ſome part* of their *Canons*, their Decrees for *Euſtathius* of *Pamphilia*, and againſt the *Maſſalians*, the Caſe of *Euprepius* Biſhop of *Byzo* and *Arcadiopel*, and *Cyril* Biſhop of *Cæle*, to which [perhaps] may be added the Caſe of the *Cyprian* Synod and Liberties againſt the ambitious Deſigns of *John* of *Antioch*. So that I doubt the *Doctor* has herein *violated a moſt important Truth in Hiſtory* by this *General Aſſertion* alſo.

(23) *Auth. of Chr. Pr.* p. 48.

(24) *Ibid.* p. 50.

Having thus ended with the *Seſſion*, and *Acts* of the Council, the *Doctor's* Methods leads us to the Conſequences, which, through the Imperial Authority, affected, firſt, their *Perſons* in the matter of *Diſſolution*, and then their *Acts*. We began with the buſineſs of *Diſſolution*, the *Right* of which he ſecures *only* to the *Chriſtian Prince*, without whoſe Licenſe obtained the Synod, having ended all their buſineſs, cannot rightfully *diſſolve themſelves*. How this has been proved in other Councils (already conſidered) I leave the Reader to judge; but in this Council we ſhall conſider two things, 1*ſt*. The Power aſſumed by the Emperor and his Miniſters herein, and 2*dly*, the ſenſe of the Synod

Synod hereupon. And first I yeild to the *Doctor*, that *Candidian* was ordered to secure the Bishops from departing till all was finished, for which they were called; (25) which order was again renewed to *Palladius*; (26) And therefore after all was ended, the Synod desired a *Dismission* from that very afflictive Confinement. (27) But 1st, either this comes not up to, or goes beyond the Rule; I am sure it keeps not square with it. For by *Candidian*'s and *Palladius*'s Commissions they were obliged to stay only till they had done all things; but all things being done, they need not any *other License* to Authorize their departure, though they did to obtain a *liberty* to depart, being unduly kept in durance for above two Months after they had ended all, which went beyond the *form* and *purport* of the *Commissions*. 2*dly*, The *Commission* was given to *keep them there till all was ended*; but *no Precept given to the Bishops to stay*; so that any of them might have gone away, as some did, without any disobedience against Duty, could they have escaped the Guards; but 3*dly*, I will allow, that in point of Equity and Conscience to the Church, though not in duty to their Goalers, they were obliged to *do all the business* for *which they were called*, but not to stay after; for that 4*thly*, all *Precepts Imperial* for their *longer stay* were *null*, and their Confinement *Tyrannical*, as they complained of it: (28) And consequently the Synod was not *morally obliged* to stay or ask for *License*. And therefore in asking it they craved not any *undue Grace* or *Favour*, but only *their own due Right*, † which the Emperor had no Right to deny them. All then, that *this President* can amount to is, that *Christian Princes* may of Right kept together the Synods, which they call, till they have ended their business, and *no longer*; but the *Doctor*'s Rule suspends the Conscience of the Bishops till the Princes *License*, how long soever the Prince pleases to withhold it; which is a stretch far beyond this Instance. But there is one Passage in the *Imperial Letter* sent by *Palladius* to the Synod, that seems to favour the *Doctor*'s Opinion; for

(25) *Authority of Christian Princes*, p. 77, 78.

(26) *Concil. Eph.* p. 2.

(27) Concil. Eph. Part 2. *Relat. Episcopor. Roma venient ad Imp. per Eutych. Diacon.*

(28) Ἀπὸ τῦ ἐυπρεσώπυ τότυ πειθεισμῦ, &c. *Conc. Eph. Part* 2. *Epist. Syn. ad Cler. Constantinop. & alibi sæpe.*

† δικαίαν αἰτῆμα χάριν. *Relat. Syn. ad Imp. Tom.* V. p. 611.

for having declared his αγανάκλησις, his *grievous Diſpleaſure* at their Proceedings, thro' *that* he gave orders that no Biſhop ſhould depart *Epheſus* till the Synod had finally diſcuſſed the Faith before *Candidian* and a Colleague, who were to retain Diſorders; and that no Governor of the Provinces ſhould permit any of the Biſhops to be received into his own *Country*, or *City*, returning without the Emperor's *Order*. * But here it is to be noted, 1ſt, That it was the effect of a confeſſed Wrath, and that is a Prejudice againſt its Juſtice and Equity; 2*dly*, That it it was a *Prohibition* againſt *ſingle Fugitives*, while the Synod were upon their buſineſs not yet ended, before which he would allow no particular Biſhops departure without his eſpecial Licenſe; which is nothing againſt the Synodical Right of Self-Diſſolution without *Royal Licenſe* after all the Concluſion of their Synodical Buſineſs, and ſo nothing to the *Doctor*'s Purpoſe.

* δίχα ἡμετέρας κελεύσεως.

Come we from the *Perſons* to the *Acts*, and herein try what *ſuſpending*, *reſcinding*, or *confirming* Powers *Theodoſius* aſſumed. The firſt Inſtance is his pretended *Suſpenſion*, when he called this Council, of the Sentences forepaſt againſt *Neſtorius* in the Councils at *Rome* under *Cæleſtine*, and *Alexandria* under *Cyril*. The *Doctor*'s Words are theſe. Theodoſius *reſolves upon a General Council to meet at* Epheſus, *and in the mean time ſuſpends the Decrees of the two Provincial Synods, and orders that nothing ſhould be innovated, till that Council ſhould meet, which Order the Council inſerted into* Acts, *and thereby gave it a kind of* Conciliar Authority. † But here I muſt obſerve, that in the whole Order there is not one Syllable of *ſuſpending thoſe* Roman *and* Alexandrian *Decrees*. This is the *Doctor*'s own gloſs only in *violation of the Hiſtory*. All that this Order forbids, is any Man's *particular* or *private Innovation* (29) *after the Indiction of this Council*, till it ſhould meet and determine; but no *Suſpenſion* of any *Public* and *Conciliar Acts forepaſt*. But what this private *Innovation*, forbidden for the future, was, is ſomewhat doubtful, and conſequently renders the *Validity* of the Order diſputable. The *Doctor* indeed aſſerts to it a *Conciliary Authority* from its *inſertion* into the *Acts*. But as his Words ly naked and obvious, his Obſervation is very crude, for Regiſters mere-

† *See my Stricture hereupon, M. E.* p. 172, 173.

(29) μηδεμιᾶς καινοτομίας ἰδίᾳ πρός τινων γενομένης. Conc. *Eph.* Part 1. c. 32.

ly in themselves are but *Memorials* of *Acts*, but no *Indications* of their *Rectitude*; otherwise the *Chalcedon* Register would justifie the Acts of the 2*d Ephesine Council*. But farther our inquiry is not into its *Synodical*, but its *Imperial* Authority, which the *Doctor* asserts to it before its *Insertion* into the *Conciliar* Registers; and this must be resolved from the meaning of those *private Innovations* forbidden by it. Now it had been the way and practise to tamper with Courtiers, and the Empress, and the Royal Family, to complain to the Emperor, and stir up the Clergy and People unto great Disturbances. Now if *these*, or *some such*, were the *private Innovations* intended in the *Prohibition*, no doubt the Emperor had a very good Authority to inhibit them, and the Order was *valid*. And how can the *Doctor* prove that these were not the *intended Innovations*? since *Theodosius* blames *Cyril* for having written to him, to his Empress, and his Sister *Pulcheria*, besides those Letters which *Cyril* had written to the Bishops and Clergy, to the disgrace and ill suspicion of their Imperial Majesties, and to the trouble of the Church. (30) For which *Cyril* gave, if not true Reasons, yet very fair Colours in his Apology. (31) But now if these cannot be disproved to be the *prohibited Innovations*, then the *Suspension* of those Provincial and Public Decrees of the past *Roman* and *Alexandrian* Synods cannot be proved to be the intent of the Order against *future* and *private Innovations* Nor would I advise the *Doctor* to stand too stiff for the *Imperial Suspention* of the *Roman* and *Alexandrian* Decrees, that he may not clash with himself. For these Synods, being *called* and *caried on* to their final Issues, without any *Imperial Call*, *Authority*, *Commission*, or *Licence*, all their *Conventions*, *Sessions*, and *Acts* were of themselves originally *null* according to the *Doctor*'s Principles, and consequently *uncapable of Suspention*, which really is only a bay and stop to the Execution of valid Constitutions; * and if *these Decrees* of these Provincial Synods were *valid*, then there is no need of the Christan Princes Authority to make Provincial Synods so. But suppose these Decrees to be *suspended* by the *calling* of this General Council on the joynt Appeal of the Litigants, yet this *Suspention* was not from the *Power*

(30) *Sacr. Imp. ad Cyril Conc. Eph.* Part. 1. c. 21.

(31) *Concil. Eph.* Part. 3. c. 13.

* *Though there may be seeming Suspentions of Constitutions that seem only valid.*

and

and *Act* of the Emperor in *this Order*, or *theſe Words* of it, but from *Canon* and *Canonical Practice*, which herein imitated the Forms of *Civil Laws*. From the Councils of *Antioch* and *Sardica* Councils of Appeal were *ordinary*, by whoſe Canons the Sentences Appealed from were to be in *Suſpention pendente lite*, and there is the ſame reaſon for *extraordinary* Appeals to General Councils. So that *Theodoſius* his *Precept* can account to no more than an *Imperial* and *Secondary* Injunction to obey, not his *Imperial Diſpenſion*; but that of the *Canons*, for otherwiſe he had no rightful Power of his own to *ſuſpend* thoſe Decrees, whether *valid* or *invalid*. And it was not upon an *Imperial*, but *Canonical* account, but the Council, when they ſummoned *Neſtorius* εἰς τὸ συνελθεῖν, to joyn, or come into the Synod, did not treat him *as a Perſon under Sentence*, becauſe Appeal depended; but to ſay, that *they treated him as a Catholic Biſhop*, (31) is what the very nature of a *Summons*, how civil ſoever, in his Caſe and Cauſe will not allow; for as ſoon as he had been there, he muſt have been called down from the *Bench* to the *Bar*. It appears indeed hereby, that the former Sentences were in *fact* ſuſpended, either upon the *Canon* or the *Oeconomy* of *Cæleſtine* and *Cyril*, but not by the *Imperial Authority*, or *Order* only of *Theodoſius*, which the *Doctor* would inſinuate by *this* Argument, to ſupply the ſenſible Deficiency of the *former*.

(31) *So ſays Doctor* Wake. *Author. of Chr. Prin.* p. 87.

Secondly, The next Procedure of the Emperor, obſerved by the *Doctor*, is the Exerciſe of an *annulling*, or *reſcinding* Power upon the Acts and Determinations of this *Epheſine* Council againſt *Neſtorius* upon the ill report of *Candidian*; adding moreover, that the *remarkable anſwer of the Council hereunto clearly ſettles this Right of the Prince: For they deny not his* limiting *or* annulling Power, *but only remonſtrate againſt the* falſhood *of* Candidian's *Information*, &c. (32) But in anſwer hereto, firſt I deny that the Emperor did pretend to paſs any formally *reſcinding* or *annulling* Act upon the Synodical Acts: For as *Annullation* and *Reſciſſion* ſuppoſes an antecedent and *efficacious Validity*, in the Acts to be *reſcinded* or *annulled*, ſo a *proper Reſciſſion* or *Annullation* does not only obſtruct their *Effects*, but extinguiſhes their very *Efficacy* and *Validity*, which before hey had. But as far as I can unriddle the vitious Expreſſion

(32) *Auth. of Chr. Pr.* p. 63, 50.

(33) the

(33) *Sacr. Impp. ad Synod* per *Pallad.* ap. Concil. *Eph.* Part 2. χώραν μὲν τῷ τοιούτῳ μηδαμῶς ἔχειν [* ἐξελθεῖν] (marg. ἀκολουθίαν) αὐθεντίαν. Interp. Latin. talem procedendi modum nullum habere locum aut momentum. Ego Legerim χώραν μὴ τῷ τοιούτῳ μηδαμῶς ἔχειν αὐθεντίαν. *i. e.* Talem dominationem nullum omnino locum habituram. Αὐθεντία enim recte significat Dominationem hic loci, ut & alibi.

(34) *Ibid.*---τῆς ὑ ἀνακολούθως γεγονότων ἀργουμένων. Vide similem loquendi modum in Relat. Synodic. per octo Legat. ὕδεμίαν ἐκ τῆς κανόνων ἰσχὺν ἐχούσα πάντη ἀργεῖν. Vbi ἀργεῖν proprie est *carere Effectu.*

(33), the Emperor only decreed, *that such* Domination *(which he was informed that they had used) should by no means take place, or have reception*, the *Acts* being by him supposed *ab initio* void in themselves (34) not of any *Validity* or *Vertue* to be *rescinded* by him, and that, because of their original ἀνακολουθιά, or *uncanonicalness* and *nullity* thereupon, they should have no Place or Reception, if the Emperor's *Act* was of any *Validity*; for an *Ecclesiastical* Reception he had no Authority to deny, as appears by the *Claims* and *Remonstrances* of both Parties, and 'tis fairly probable he denied that Reception only which they expected from him, namely a *Civil* Reception: But whether the *one* or the *other*, *right* or *wrong*, yet the Decency and Prudence of the Synod, in not impeaching his Power, but intreating his better Consideration, must not be prodigally interpreted to a Synodical acknowledgement of a *rescinding* Authority, except we will that every *Violence*, or *Injustice* of *Princes*, or *Superiors*, being decently deprecated without Renunciation to their Powers, shall *ipso facto* pass for Right. For this will destroy all the Laws of *good Breeding*, (so much now insisted upon for a shelter to Mens Impieties) and will make a severe Treatment of *Heretics* and *Apostates* necessary, lest Softness and Dissimulation should legitimate the Wickedness. The truth is, the *Imperial* Judgments were in form *Civil*, and sometime past against *one*, and sometime against the *other Party*, and sometime against *both*, upon the *Acts* of each Synod as reported to him; but *both Parties* rejected them as *null*, when fairer Applications would not do; because though *Civil*, yet they were grounded on *Ecclesiastical* Acts, which each Party refused as *invalid*, and so they stood *each Party* on the *Canonical Validity* of their own Proceedings, not only *during*, but *long after* the Council, as may be seen in their *Acts* and *Monuments* in the 2*d* and 3*d*

Part

Part of this Council. So far was the Catholic Church from owning any *Reſcinding* Power of Princes over Acts Synodical.

The *third Inſtance* of this Emperor's Conduct, *after the Acts* of this Council, alledged by the *Doctor* is his *final Confirmation* of them by an *Imperial Edict* conſequent upon his *Allowance* and *Approbation.* (35) In order to a right Diſcuſſion and Underſtanding of this matter, we muſt remember our Fundamental Diſtinction of *Confirmations* into *Conſtitutive Ratifications*, and *Conſtitutive Corroborations*, that ſo we may find whether ſort of *Confirmation* the Emperor paſt upon the *Acts* of this Council. Now the *Doctor* tells us, *that the Synod deſired the Emperor's* Ratification, *and that their Requeſt was granted.* (36) Hereupon we are to examine, 1*ſt*, what the Synod deſired; 2*dly*, what the Emperor granted. As to the *former*, the *Doctor* refers to the Synodical Epiſtle and Relation made to the Emperor. Now herein the Synod informs the Emperor, after all their forms of Diſcuſſion accounted for, that *they had depoſed, degraded, and ſilenced* Neſtorius, *even as Pope* Cæleſtine *had done before. Upon which they pray the Emperor to command his Doctrine to be removed out of the Churches, and Heretical Books to be burnt upon pain of the Emperor's Diſpleaſure, for that the Faith, thus* confirmed, *would continue ſafe and invulnerable.* (37) Now any Man eaſily ſee, that this, which they deſired, was not an *internally Conſtituent Ratification* of their *Acts*, but a *ſecondary Succour* only to the *Faith.* For they deſire him, not to *ratifie* and *make valid* their Canonical Act of Cenſure paſt on the Perſon of *Neſtorius*, but only *to exterminate his Doctrines out of the Churches, and to burn his Books.* And to this purpoſe, in another Relation to the Emperor againſt the *Eaſterns*, they requeſt the Emperor *to command*, (38) *that the* Definitions *of the Oecumenical Synod for the Faith againſt*

(35) *Auth. of Chr. Pr.* p. 64.

(36) *Auth. of Chr. Pr.* p. 80.

(37) *Epiſt. Syn. Eph. ad* Theod. *Imp. Act.* 6. —— τῦ ὑμετέρᾳ δεόμθα κράτες κελεῦσαι πᾶσαν αὐτῦ διδασκαλίαν ἀναιρεθῆναι, ἐκ τῶν ἁγιωτάτων ἐκκλησιῶν, καὶ τὰ εὑρισκόμενα ἀσεβῆ βιβλία πυρὶ παραδίδοσθαι. —— εἰ δέ τις καταφρονήσει τῶν θεσπιζομένων, δεδίεναι τὸ ὑμετέρας κράτος τὴν ἀνανάκτησιν ἵνα γὰρ καὶ ἡ ἀποστολικὴ πίστις ἄθραυστος διαμένῃ τῇ ὑμετέρᾳ εὐσεβείᾳ ΚΡΑΤΥΝΟΜΕΝΗ.

(38) Ἀλλὰ κελεῦσαι τὰ ὑπὸ τῆς οἰκουμενικῆς καὶ ἁγίας συνόδου ΤΕΤΥΠΩΜΕΝΑ εἰς συγκρότησιν τῆς εὐσεβείας κατὰ Νεστορίου καὶ τῦ ἀσεβῦς αὐτῦ δόγματος, τὴν ΙΔΙΑΝ ΙΣΧΥΝ ἔχειν, ΚΡΑΤΥΝΘΕΝΤΑ τῇ ΕΠΙΝΕΥΣΕΙ καὶ ΣΥΓΚΑΤΑΘΕΣΕΙ τῆς ὑμετέρας εὐσεβείας.

Nestorius *might have their* own proper force, *being* confirmed *by the Imperial* Assent *and* Consent; whereas (39) they desire, that all had been done against Cyril and *Memnon*, as well by the Emperor as the *Nestorian* Anti-Synod, might be of *no force*, *as having no validity from the Canons*; and therefore if *their own Acts* had had no *Canonical Validity* in themselves, they could not consistently have asked *Imperial Confirmation*, but they must have been taken for *void* and *null* upon their own terms. And it is farther to be noted, that in this Relation against the *Easterns* they desire a *Confirmation* by *Assent* only and *Consent*, which is far different from the form of *Confirmation* by *Edict* first desired against *Nestorius* his Doctrines and Books, and seems to be a *designed abatement* of their first Petition, upon the sense of the Emperor's displeasure lessening their former Confidence and Dependence; and so amounts to no more than a desire of a *Comprobatory* form of *Confirmation*, instead of that more *Authoritative* one, which they had at first with free assurance requested; that so hereby the Faith might meet with no *Obstruction* or *Violence* for want of such *Imperial Comprobation*.

(39) *Relat. Syn. Eph. per octo Legat.* ἐδεήθημεν ἐκ τῶν κανόνων ἰσχὺν ἔχοντα πάντη ἐξεῖναι.

After the *Requests* of the Synod follow the *Imperial Acts* of *Confirmation*, past, not all at one time, nor upon all the Acts of the Council. First then after infinite and abominable Tricks on the *Nestorian* side, and Miseries and Injuries on the *Catholic* side, and the Mazes on the *Court* side, (turning to and fro with a prodigious Inconstancy) at last the Emperor, at the end of the Council, passed an *Edict* of Banishment against *Nestorius* his Person, (40) which the Petition of the Council had not craved; which was an *additament* to the *Synodical Censure* but no *ingredient Constitutive* thereof; for the *Synodical Censure* had been of it self *full* and *valid* without it. But what did he do to the *Easterne*? The Relation going immediately before *this Edict* says, κατέγνω τῶν ἀναστολικῶν that *he condemned the* Easterns, that is, the Cause of the *Easterns* solicited by their *Legates* at Court, and so they lost their Cause; for he added no *positive* or *penal* Sentence against their Persons, whom he accounted and dismissed as Men (in Faith and Principles) *Catholic*, and so *confirmed* not the Synodical Sentence against their Communion, which yet was Canonically *valid*, and continued so till the Reconciliation. The 3*d* Act of the Emperor, *confirmatory* of the Catholic Cause against *Nesto-*

(40) *Decret. Imp. apud Con. Eph. Part* 3. c. 15.

rius,

rius, was after the Reconciliation of the *Eaſterns* with the *Egyptians*, *viz.* two *Edicts* to be publiſhed by the *Prefects*, *one* in diſgrace and diſcouragement of the *Neſtorian* Reliques, branding them with the Character of *Simonians*, commanding *Neſtorius*'s Books to be burnt, and the *Neſtorians* to hold no Conventicles upon pain of Confiſcation; and *another* againſt *Porphyrie*, the *Neſtorians*, and *Irenæus* Biſhop of *Tyre*; (41) which, following ſo many Years after the Diſſolution of the Council, could not be *proper Ratifications*, giving the Acts of the Synod againſt *Neſtorius* an *internal Validity*, but only *later* an *adventitious Corroborations*; which *Theodoſius* himſelf confeſſes to be *conſequent* upon the Decrees which this Synod it ſelf had *confirmed*, (42) And *Juſtinian* in the 5*th* Council ſaith, that *by ſuccouring the right Sentence of the Council againſt* Neſtorius, *he cauſed it to obtain firmly*. (43) But finally, all the other Acts and Canons of this Synod paſt firm without any kind of *Confirmation* asked, or granted by the Emperor, which ſhews, that *Canonical Validity* was *internal* to the Power and Acts of Synods, without any *ingredience* or *acceſſion* of *Imperial Authority*. And here I might ſubjoyn a very Tragical Account of all the Wickedneſſes that gave occaſion to this Synod, and perplexed it when Aſſembled, and followed its Diſſolution, but that is the proper Work of an *Hiſtorical Collector*, to which end therefore I refer to the Hiſtory and Monuments of this Council, and particularly to the Collection of *Lupus*, and for an Epitome to Mr. *Du Pin*; by all which it will appear, that Villany, ſupported and animated by *Secular Power*, corrupted the Church, and this her Council, and rendred it of very little benefit to that Age and their neareſt Poſterities, and therefore becomes rather a *Prejudice againſt*, than a *Preſcription for* Imperial Councils, whoſe Conſequences are ſo ſecularly and grievouſly Penal and Invidious. And one may very eaſily conclude, that if ſo ſmall Mixtures and Interpoſitions of Secular Powers could enflame ſo much Evil, which ſome Ages could hardly ex-

(41) *Conc. Eph. Part* 3. c. 45, 46, 47, 48.

(42) Lex. *Theodoſ.* adv. *Flavian. &* Soc. *&c. ap Conc.* Chalc. *Part* 3. c. 10. *Et nos confirmantes ea, quæ ſalubriter definita ſunt ab eodem ſancto concilio.* &c. —— and of the Faith; *quæ firmata eſt in ſanctis Conciliis quæ* Epheſi *congregata ſunt.*

(43) Collatione primâ. —— *fecit firmiter obtinere contra eam factum condemnationem. in Græca. Append. Juſtinian. Epiſt. ad Synod de Theodor. Mopſueſt.* &c. ἀνελαμβανόμενος τ ὄντως ὀρθῶς κατὰ Νεσόριον —— κειθέντων, παρεσκεύασε κρατεῖν βεβαίως τὸν ἐπ' αὐτῷ γεγενημένον κρίσιν.

tinguiſh, how deſtructive muſt they have been if Doctor *Wake*'s Aphoriſms had been known and current, and practiced upon in thoſe days of the Empire at the full; for if a *little Leaven ſowres the whole Lump*, how *ſowre* muſt that *Lump* be, that is nothing elſe but *Leaven.*

XXXI. *Of the Councils of the* Oriental Dioceſe *till the Council of* Chalcedon, *and particularly of* Theodoret's.

AFter the Diſſolution of the General Council of *Epheſus*, and the Imperial Condemnation of *Neſtorius*, the Biſhops of the *Oriental Dioceſe* under *Antioch*, ſtill adhering to their Cauſe, though caſt and condemned by the Emperor, met in ſeveral *Topical* Councils in oppoſition to this of *Epheſus*, and not only *without*, but even *againſt* the Emperor's Will. So then I leave it to the *Doctor*'s choice, whether he will own the Council of *Epheſus* to be ratified in this Cauſe by the Emperor, or no. If *not ratified*; That contradicts both his *Principle* and his *Hiſtory*; if *ratified*, the *Eaſterns* condemned it for *null* notwithſtanding this *ſuppoſed Ratification*; and (what is much to be obſerved) they are never blamed for reputing the Ratification *null*, nor is this *pretended Ratification* ever objected in Argument againſt them for the Authority of the Council. They are only blamed for rejecting the *Seſſion* and *Acts* of this Council as *null*, which yet they could not have been upon ſuch a *valid Ratification* by the Emperor, as the *Doctor* ſuppoſes. Nay the *Schiſmatical Councils*, which they held in defiance to this Council and the Imperial Pleaſure, are never charged for breach of *Imperial* Authority, but the *Synodical*. And yet how could all this have been if it had been the Catholic Senſe of that Age, that all Councils are to be called by the *expreſs Command* or *Allowance* of the Chriſtian Prince, as being *only of Counſel to him, and entirely in his Hands*, with all the other *Aphoriſms* of *Imperial Authority*? Which I deſire the Reader to compare with the ſenſe of theſe *Eaſterns*, and the *Age* they thus acted in. At length, on the Ruins of *Neſtorianiſm*, *Eutychianiſm* puts up, and gains the violent Perſonage of this Emperor *Theodoſius*; and many grievous Troubles

Troubles ariſing to the Church hereupon, ſeveral Councils were held every where *againſt* the *Imperial* Deſigns, eſpecially in the *Eaſtern Dioceſe* at *Antioch*; in ſome of which *Theodorit* was a *Leading* (becauſe a *Zealous* and *Learned*) Man. Their Adverſaries, hereupon dreading and hating him, procure him to be confined to his own See of *Cyrus*, and to appear no more at Councils. This Imperial Conduct the *Doctor* approves, obſerving firſt, that the *Nicene* Canons were Confirmed by almoſt all the Emperors, out of which this, and other *Eutychian* Emperors muſt not be excepted, their Pretentions running moſt high for the *Nicene* Council. Hence the Provincial Synods, ſtated by the *5th Nicene* Canon for twice a Year, became *Legal Aſſembles*. *And yet, when* Theodoret *began to be too buſie in calling the Biſhops together*, Theodoſius *not only laid a Prohibition on him, but confined him to* Cyrus, *his own little See, as a Puniſhment for what he had before done. So little was it then thought a matter of Right for the Clergy to meet as often as they thought good in Synods; or that any Injury was done them by their Princes, when they refuſed to ſuffer them ſo to do.* (1) So this Inſtance is brought to prove, that even the *5th Nicene* Canon could not ſecure *Theodoret* in his obſervation of it againſt the *Tranſcendent Authority* and *Probibition* of the Emperor. But let us ſee with what reaſon. Firſt he ſays, that *Synods held by that Canon were Legal Aſſemblies*; how then could *Theodoret* be blamed as *too buſie* in obſerving them? Or puniſhed for acting according to a *Legal Rule?* Nay and that *without Injury?* And that for holding Synods as often as he pleaſed, when he held them not at his own Pleaſure, but at times *legally ſtated?* But if he called them Arbitrarily at other times, how then comes this Inſtance to be brought for an *Imperial Right* of inhibiting Councils *legally ſtated* by the *5th Nicene* Canon *Imperially confirmed* and *legitimated*; though this was not the *Inhibition* of *Councils*, but only *one Biſhop* from them? But that, which is moſt admirable ſtrange and intolerable, is, that he ſets in his Margin a *Paginal Reference* to *Theodoret*'s own Epiſtles, as an Evidence of this charge againſt himſelf, and of the Emperor's juſt Authority to confine him hereupon by way of Puniſhment, whereas thoſe very Epiſtles referred to, refute every Point of it. And firſt of all his Adverſaries were not ſo ſilly as to accuſe him for obſerving the *5th Nicene* Canon, but that he often gathered Synods at *Antioch*, (2) againſt which he aſſures *Nomus* the *Conſul*, (3) that neither

(1) *Auth. of Chr. Pr.* p. 18

(2) Epiſt. 79, 80, 81, 82.

(3) Epiſt. 81.

ther *Theodotus*, *John*, or *Domnus* (Partiarchs of *Antioch*) had he ever willingly gone to *Antioch*, but that being called hither five or six times, he obey'd with much ado; † And he obeyed in Conformity to the Ecclesiastical Canon, which puts Men under Censure, who refuse to appear when called; which was not the 5*th Nicene*, for by that he was to have met, not at *Antioch*, but within the Province of *Hierapolis*, which was his *Metropolis*. How badly then is it done by the Doctor to accuse him of doing what he did not, and for doing what he did according to Canon, and to alledge those his own Epistles for his Conviction, by which he justified himself against all Exception? And for this the *Doctor*'s own Conscience smote him a little afterward, when he could say, *that* Theodosius *restrained him, because he thought him two busie in calling the Bishops to lesser Synods.* (4) But still was this Act of *Theodosius* not thought an Injury? No! not by *Theodoret* himself according to the direction of the Margin? I pray, why then does he complain, *that the vilest Malefactors had Audience before Sentence, but he, that was a Bishop of* God's *Church, was condemned without hearing, and his Ministery thereby rendred contemptible and ineffectual with his People?* But farther was it his frequent holding Councils only that was his Charge? No, no; it was his Principles maintained in those Synods (5) which his Enemies pretended to accuse, and to hinder by this Inhibition; against which he Appeals, not to the Judgment of the Emperor, but of a Council and Presence of able Bishops, and well instituted Magistrates and Worthies. In which matter therefore it will concern the *Doctor* to clear his *Integrity* as well as his *Judgment*.

† μόλις ὑπήκουσεν.

(4) *Auth. of Chr. Pr.* P. 35.

(5) Epist. 81. ad *Nom.* Ἀλλ' ἐναυλία φερνεῖν ἡμᾶς φασί τίνες δυκοιῶ γενέσθα σωέδειον· παρέσωσαν τῆς θεοφιλεσάτων ἐπισκόπων οἱ κείνεν εἰδότες· παρέσωσαν τ' ἐν τέλει χ' ἀξίωμασιν οἱ τὰ θεῖα πεπαιδευμένοι.

XXXII. *Of the Council of* Conſtantinople *under* Flavian *condemning* Eutyches, *Anno Chriſti*, 448.

THe Proceſs of this Council requiring our conſtant Method, we being firſt with the *Call* of it. This by no Indications appears to have been *Imperial*, it being what they were wont to call a σύνοδος ἐνδημοῦσα, a Collection of Biſhops then accidently in Town, met under *Flavian* upon the Caſe of *Florentius* Metropolitan of *Sardis* in *Lydia*, and two of his Suffragans *John* and *Coſſinius*, the day before the *6th* of the *Novembrian Ides*. (1) Had it been called by the Emperor, by the Cuſtom of that Church and Age it muſt have been inſerted into, and would have appeared in the extant Acts. The *Doctor* perhaps may found it in the *5th Nicene* Canon, as being within the *Autumn*; but, as that pretence, for Imperial Authority *vertually* included, is already refuſed, ſo here in *fact* it cannot be pretended, becauſe it was not properly a Provincial Synod conſiſting of the Biſhops of one ſingle Province under their immediate Metropolitan, but here a Metropolitan and two Biſhops, of the *Lydian* Province under *Sardis* the *Metropolis*, conteſt before the Patriarch in another Province, † and a Company of Biſhops accidentally in Town, without any ſpecial Citation or Convention from their Sees, to whom theſe *Lydians* ſeem voluntarily to have referred themſelves. Nay it appears, that *Flavian* himſelf convened them, by the Teſtimony of *Theodoſius* to the *2d Epheſine* Council. (2) So here is one celebrious Inſtance more of a Synod called even in the *Imperial* City without any Authority from the Emperor.

(1) *Act* 1. *Conſtantinop. reject. Epheſ. & Chalced.*

† Viz. of *Heraclea Perinthi.*

(2) *Concil. Chalced. Act* 1. Imp. de Flaviano; ἡ κειτήριον συναγαγὸν, &c. *Epiſt. ad Syn. Eph.* 2.

From the *Call* proceed we to the *Seſſion*, and therein the *Order* of *Place* and *Acts*. And firſt the *Place* of *Preſidence* belonged unto *Flavian* on the Right of See eſtabliſhed by the *3d* Canon of the Second Council. So he ſitting as *Preſident* (3) the Matters were propoſed, not by the Emperor's *Direction* or *Leave*, but by the *Ligitants themſelves*.

(3) *Act* 1. *Conſtantinop. & in cæt. pen. omnib.*

Florentius, and his two Suffragans, and after by *Euſebius* of *Dorylæum* againſt *Eutyches*. And hereupon, the Methods and Manners being carried on Canonically by the Preſident and the Council, were tranſacted in quiet. But *Eutyches*, finding that regular Proceedings were not for his *Intereſt*, according to the old way of *Heretics*, flies to the *Secular Arm*, for which he had great Advantages; for he was rich, and Godfather to the Emperor's favourite-Eunuch *Chryſaphius*, whom he had endeared and corrupted with his Hereſie, and who was offended at *Flavian* for not giving Money for his Promotion; and ſo by *this Chryſaphius* his Intereſt *Eutyches* was in great favour at Court. By this he obtained of the Emperor a guard of Soldiers, Monks, and the Apparitors of the *Pretorian Prefect* to go along with him to the Council, at which he would not appear without engagement for Regreſs; (4) whereas had he known Doctor *Wake*'s Aphoriſms, he had needed no ſuch *apparatus*, ſince all their Authority was *null*, *as not convened by the Prince*, (which he might have pleaded with the Emperor, or the Synod) *and they could deliberate and act nothing but at Imperial Order or Licenſe, as being entirely in the Emperor's Hands.* But theſe Notions not being known to that Age, other Methods were thought neceſſary. And firſt the *Grand Silentiary* enters the Council with a Meſſage from the Emperor, "That *Florentius* the *Patrician*, being found "in the Faith, ſhould, to avoid Scandal, be preſent in the "Synod at the Audience of *Eutyches*'s Cauſe, it being a "matter of Faith. And this was done, becauſe, notwith-"ſtanding all the Importunities and Requeſts of the Em-"peror, *Flavian* could not be prevailed upon to omit this "buſineſs; if we may believe the Emperor himſelf; (5) for which he complains, not on the *violation* of his *Imperial Authority*, and the *Nullity* of the *Seſſion*, but on pretence of *Injuſtice* and *Diſturbance* thereby made, notwithſtanding his *Mediation* to the contrary. Upon this Meſſage the Council, knowing *Florentius* to be a good *Catholick Patrician*, allow him entrance, † if *Eutyches* alſo ſo pleaſed. * And thanked the Emperor for it with *Acclamations*, and the Title of *High-Prieſt* (6) in complement, to which he had much ſuch a Right, and of which he made much ſuch an uſe as *Caiaphas*. But the Emperors had ſo engaged in Spiritual

(4) *Act 7. Conſtantinop.*

(5) *Epiſt. ad Synod Eph. 2. relat. Chalcyd. Act 1.*

† Βουλόμεθα αὐτὸν παρεῖναι.

* μαθόντες δὲ καὶ παρὰ Εὐτυχοῦς, ——εἰ θέλεται αὐτὸν παρεῖναι; ——ἦλθε —— φλωρέντιος.

(6) *Act 7. Conſtantinop. &c.*

Spiritual Matters, that to compass their Favour all Acts of Flattery were used, and this *Pontifical Character for one*, as greater then the *Imperial*. Notwithstanding which however it appears, that *Florentius* his right of *Presence* was *asked* by the Emperor, *granted* by the Council upon consent of *Eutyches*, and so does not much countenance an *Imperial Authority* of making Lay-Presidents over Councils. For this Emperor's Words are only, Θέλομεν σωθῆναι αὐτὸν, which (the whole History considered) are not *Imperative*, but *Recommendatory*. But suppose it *absolutely Imperative*, yet it cannot *prescribe* for a *right of Authority*, having in it, thro' armed Powers, all the forms of *Domination*. Nor can the compliance of the Synod prejudice their own Rights, and conclude an Authority in the Emperor in this point, because of the appearance of Terror, and other Prudential Reasons disswading them from a contest of that Nature, that might expose their Justice to Suspicion, and Cavil, as if they were affraid of the open Light, and durst not permit any impartial and unprejudiced Persons to see their Procedings. When the Church deals with her Princes, much must be done in Reverence, much in Patience, much in Prudence for obtaining Peace; which must not presently be interpreted to a *Renunciation* of the *Ecclesiastical*, and a *Recognition* of the *Regal* Powers. *Florentius* therefore was admitted by the Concession of the Council to the Emperor's Proposal; but when he was there, he acted not *Imperially* or as *President*, but took upon him an *Interlocutory* or *Mediatory* Office, and that with dutiful Prefaces of the Councils leave. (7) And so much shall suffice to note upon their *Session*.

(7) Ibid. *Florent.* Interloquitur; εἰ παρεῖσθαι τῇ ὑμετέρᾳ ὁσιότητι, ἐρωτάω ὁ πάπας Εὐτυχὴς, &c.

In the 3*d* Place let us consider the Consequents. Having then condemned *Eutyches*, and *dissolved themselves without any Imperial Licence*, *Eutyches* applies to the Pope, and fearing, and finding no Relief thence, addresses the Emperor for a review of the Acts in a Council under the same *Florentius*, which was granted, but without any other *Suspension* of the former Sentence formerly passed.

XXXIII. *Of*

XXXIII. *Of the Council of* Conſtantinople *under* Florentius *the* Patrician, *in review of the Acts againſt* Eutyches, *Anno* 448. *aut circiter.*

* V. *Idus Aprilis.*

THis Council therefore was called by the Emperor, * who ſends his Commiſſioner *Florentius*, and other Lay-Officers to tranſact the Buſineſs. In which *Flavian* the Patriarch, that was of right *Preſident*, and had in *Fact* been ſo in the former, and in that Capacity pronounced the Sentence of the Synod againſt *Eutyches*, is now made a Criminal by the Emperor at the Proſecution of *Eutyches*, for ſo Count *Mamas* the Emperor's Agent repreſents the Buſineſs to this new and odd Council, (1) as depending between *Flavian* and *Eutyches*. Now this is like to be very *Legal* and *Preſcriptive*, that a Prince ſhould ſupport a *Criminal* againſt *one of his Judges*, by all whom he had been duly condemn'd in the Preſence, and with the Approbation of *his own Commiſſioner* appointed to be there in favour of the *Criminal*. And to avoid the *Odium* of Impeaching an whole Council, the pretended Injury muſt be charged only on the *Preſident*; who yet was as free as the whole Cauncil, and perhaps as *Florentius* himſelf the *Commiſſioner*. Well, ſo it was; and *Flavian* is now forced to give up his Right of *Preſidence* to *Thalaſſius* Biſhop of the *Cappadocian Cæſarea*, and appear as a *Criminal* at Bar; when the Emperor's *Lay-Agents* acted all the Offices of *Preſidents* as tyrannically, as if they had acted upon Dr. *Wake's* Inſtructions. To prove this we need but recite the Proceſs. Firſt then *Florentius* the *Commiſſioner* orders *Eutyches* his Petition to be read, and *Macedonius* the *Tribune*, *Referendary*, and *Protonoatary* to name what *Procters* abſent *Eutyches* had to plead his Cauſe. At this *Euſebius Doryl.enſis* excepts as *uncanonical*. But *Florentius* ſays, *the Emperor's command muſt by all means be obſerved, and ſo asks the Opinion of the Biſhops herein.* To this

(1) Act *Conſtantinop.* poſt *Eutych.* depoſit. relect. in prima. Act *Chalced.* τῶν πίσιν τῶν πρώτων γενομένων ὑπομνημάτων περὶ τῆς αἰτίας, ἥτις μεταξύ. Φλαβιανὸν —— καὶ Εὐτυχῆ —— κινεῖται.

Meliphthongus

Meliphthongus Bishop of *Juliople* replied, *That the Person accused* (as *Eutyches* was by *Eusebius*) *ought to be present, though such Accusations are generally dangerous, for that the business was of great weight*, and therefore proposes, *that the Emperor, who had succeeded in the Faith of his Grandfather, might be requested; that the Canons might not be violated; yet if he would have that one should prosecute for another in a Criminal Cause, they would accept of it, though a General Council were then called, to which the greatest matters were to be reserved.* Then *Florentius* bids *Macedonius* declare his Orders, who declared the Emperor's Command, that *Eutyches* his three Procters should should by all means be admitted to take cognisance in the Acts, what *Flavian* and *Eutyches* had spoken to each other; which *Florentius* esteeming a fair thing, ordered their Admission. Upon which *Macedonius* delivers a Command from the Emperor, that the Bishops, who had been at the former *Session*, should be sworn concerning the truth of the *Depositions*, which Command, upon the Remonstrance of *Basilius Seleusiensis*, was laid aside. After this Action was over, another was carried on altogether by Lay-Men only on *Eutyches*'s side, in which two Testimonies were taken to the prejudice of *Flavian*, and so prepared for the Business and Design of the 2d *Ephesine* Council, contrary to all the forms of Law and Canon.

The Emperor's Order for swearing Bishops overrulèd.

XXXIV. *Of the 2d. Councils of* Ephesus, *Anno* 449.

WE are now come to a blessed Council under an Emperor which the *Doctor* calls *most Orthodox*, (1) that he might make it *most unexceptionably exemplary*, for from it he pretends to prescribe much for his Imperial Authorities, in the *Calling*, *Conduct*, *Confirmation*, &c. of Ecclesiastical Synods; and therefore we are very Particularly to examine it. Now with relation to the *calling* hereof, we have already noted the base and disorderly Preparations made for it by this Emperor's Order in the Council of *Review* under *Florentius*. We are farther to add, that this matter was farther concerted in secret Transactions between the Emperor, *Eutyches*, and *Dioscorus* of *Alexandria*, to which last,

(1) *Auth. of Chr. Pr.* p. 32.

last, when the design was ripe, "the Emperor sends a "Summons to appear at *Ephesus* with *ten Metropolitans*, and "ten other Bishops, well qualified for the business, none "other beside of his Diocese being to be admitted. And "he farther orders, that *Theodoret* should not appear in this "Synod, except it should seem good to *all the Synod* con-"vened to admit him; *i.e.* under this Colour not to be "there at all, being sure of the *Dioscorians* refusal of him. "And if any difference should arise about him, the Synod "should convene without him, and "decree the things commanded. (1) So much for the *Call* of *Bishops*. The next concerns the *Monasteries*, but those of the *Eastern Diocese* only, which being generally averse to *Eutychianism*, he durst not trust the *Monasteries* to send their own *Abbots* or *Delegates*, but finding one fiery *Eutychian Archimandrite* named *Bersumas* among them, "he appoints him by his Letter to "appear at this Council, as Representative of all the Ea-"stern *Archimandrites*, to accuse the *Eastern Bishops*, though "never deputed by Societies to Act "in their Name. (2) And yet these monstrous Practices the Doctor produces for *Precedents* of *Right*, tho' he knows *Theodoret*'s Exclusion to be from the *confessed hatred* of the Emperor against him, as having written against *Cyril*; (3) and the *Invitation* of *Barsumas* to be the *subornation* of an *Enemy* to accuse the *Innocent*, and *those* his *Fathers*, and *This* with *That* of *Tyre* to have been condemned as *violent* and *null Clans* by all the Church of God. The Emperor himself suspected that there might be some contention upon this Exclusion of *Theodoret*; how so, if his *excluding Authority* was indisputable, and the *actual Exclusion* undoubtedly *valid* and *regular*, or if this Synod *had only been of Council to the Prince, and entirely in his Hands?* And why so much care taken to make *Cyril* President with two trusty Seconds, *Juvenal* and *Thalassius*, on purpose to secure that important point, and overrule the *Pleas* for *Theodoret?* Nay how can the Doctor appear in drawing *Prescriptions* from this Council which the Emperor confesses to have been called by him through his Rage against *Flavian?* (4) Well therefore might Pope *Leo* remonstrate, that there was all reason for the Emperor to have omited this Council, to which he declined also to come personally for this among

(1) *Sacr.* 1. *Imp. ad Dios. Act.* Eph. *relect. Chalced. Act. Primæ.*

(2) 2. *Sacr. Imp. ad Dioscor.* & *ad Barsum.* ibid &c. Liberet. Brev. c. 12.

(3) 2. *Sacr. Imp. ad Dios.* Ibid.

(4) *Sacr. Imp. ad Syn. Eph.* 2. *relect. Chalced.* Act 1.

among other Causes, notwithstanding the Emperor's Precept, *no reason permiting that he should be obliged without any precedent Examples of his Predecessors, and against the Necessities of his own See to attend in Person a needless Synod, though he would so far obey the Precept, as to send the Deputies*, though there was no direction for them in the Summons (5) which shews the *Obligations* to *Imperial Precepts* of *this kind* not to be *very absolute* and *undeclinable*, but easily avoided by any fair Reasons. So that two things Pope *Leo* reproves in the calling of this Council; first, its *Impertinence* and *needlessness* before it convened, and then the *tyranny* of excluding some that appeared (6) *without Imperial Call*; though this was perhaps done according to the *Precept* of the Emperor. And yet from these condemned and rejected Practices of the Emperor the Doctor Prescribes, and says, that Pope *Leo* did not complain for the calling of this Council, (7) and would justifie the Princes *excluding Power* (from hence) of all that he admits not to be sent.

(5) *Epist. Leon. ad Theod. ap. Conc. Chalced.* par. 1. c. 17.
(6) *Ab Ep. Ejusd. ad Eus. Conc. Chalced.* p. 1. c. 19. & *al* c. 20.
(7) *Auth. of Chr. Pr.* p. 33.

From the *Call* go we on to the *Session*, and therein first consider the *Presidence*, secondly the Conduct of the Lay-Commissioners. Now the President was *Dioscorus* an avowed Party for the Heretic *Eutyches*, and as avowed an Enemy to *Theodoret*, in hatred to whom, as well as for other Personal Interests in the Synod, the Emperor confesses he had made him *President*, *i. e.* by a secret intention against *Theodoret* and all his Party; and to the support of *Dioscorus* herein he had given him *Juvenal* and *Thalassius* for *Seconds*. And hereto he adds a secret and designed sting against *Flavian*'s Session, and Acting, by an order, that they that *added* to, or *diminished* from the *Nicene* or *Ephesine* Fathers, *should have no* παῤῥησία, *no freedom of speaking in this Synod* according to Dr *Wake*'s 4th *Aphorism*, *but should be subject to their Judgment*, which I take to be that of *Dioscorus*, *Juvenal*, and *Thalassius*, since all Persons else were subject to the Judgment of the Synod without this *express Caution* or *Provision*, but now in truth all were enslaved to this *Triumvirate*.

(8) *Ibid* p. 39.

2*dly*, We are to look into the Lay-Powers of the Commissioners, according to the 1*st*, the *Tenour* of their *Commission*, 2*dly*, their *actual Practice* upon it; because the Dr. braves us with *these* as *good Precedents* for the like Practices under all Christian Princes. (9) First then the *Commission* is directed to *Elpidius* and *Eulogius*. *who*, *being declared sound in the Faith*, *and fit to execute the Emperor's Orders*, *are required*

(9) *Auth. of Chr. Pr.* p. 50, 60, 61.

laſt, when the deſign was ripe, "the Emperor ſends a "Summons to appear at *Epheſus* with *ten Metropolitans*, and "ten other Biſhops, well qualified for the buſineſs, none "other beſide of his Dioceſe being to be admitted. And "he farther orders, that *Theodoret* ſhould not appear in this "Synod, except it ſhould ſeem good to *all the Synod* con-"vened to admit him; *i. e.* under this Colour not to be "there at all, being ſure of the *Dioſcorians* refuſal of him. "And if any difference ſhould ariſe about him, the Synod "ſhould convene without him, and "decree the things commanded. (1) So much for the *Call* of *Biſhops*. The next concerns the *Monaſteries*, but thoſe of the *Eaſtern Dioceſe* only, which being generally averſe to *Eutychianiſm*, he durſt not truſt the *Monaſteries* to ſend their own *Abbots* or *Delegates*, but finding one fiery *Eutychian Archimandrite* named *Berſumas* among them, "he appoints him by his Letter to "appear at this Council, as Repreſentative of all the *Ea-*"*ſtern Archimandrites*, to accuſe the *Eaſtern Biſhops*, though "never deputed by Societies to Act "in their Name. (2) And yet theſe monſtrous Practices the Doctor produces for *Precedents* of *Right*, tho' he knows *Theodoret*'s Excluſion to be from the *confeſſed hatred* of the Emperor againſt him, as having written againſt *Cyril*; (3) and the *Invitation* of *Barſumas* to be the *ſubornation* of an *Enemy* to accuſe the *Innocent*, and *thoſe* his *Fathers*, and *This* with *That* of *Tyre* to have been condemned as *violent* and *null Clans* by all the Church of God. The Emperor himſelf ſuſpected that there might be ſome contention upon this Excluſion of *Theodoret*; how ſo, if his *excluding Authority* was indiſputable, and the *actual Excluſion* undoubtedly *valid* and *regular*, or if this Synod *had only been of Council to the Prince, and entirely in his Hands?* And why ſo much care taken to make *Cyril* Preſident with two truſty Seconds, *Juvenal* and *Thalaſſius*, on purpoſe to ſecure that important point, and overrule the *Pleas* for *Theodoret?* Nay how can the Doctor appear in drawing *Preſcriptions* from this Council which the Emperor confeſſes to have been called by him through his Rage againſt *Flavian?* (4) Well therefore might Pope *Leo* remonſtrate, that there was all reaſon for the Emperor to have omited this Council, to which he declined alſo to come perſonally for this among

(1) *Sacr.* 1. *Imp. ad Dioſ. Act. Eph. relect. Chalced. Act. Prima.*

(2) 2. *Sacr. Imp. ad Dioſcor. & ad Barſum.* ibid &c. Liberet. Brev. c. 12.

(3) 2. *Sacr. Imp. ad Dioſc.* Ibid.

(4) *Sacr. Imp. ad Syn. Eph.* 2. *relect. Chalced.* Act 1.

among other Cauſes, notwithſtanding the Emperor's Precept, *no reaſon permiting that he ſhould be obliged without any precedent Examples of his Predeceſſors, and againſt the Neceſſities of his own See to attend in Perſon a needleſs Synod, though he would ſo far obey the Precept, as to ſend the Deputies*, though there was no direction for them in the Summons (5) which ſhews the *Obligations* to *Imperial Precepts* of *this kind* not to be *very abſolute* and *undeclinable*, but eaſily avoided by any fair Reaſons. So that two things Pope *Leo* reproves in the calling of this Council; firſt, its *Impertinence* and *needleſneſs* before it convened, and then the *tyranny* of excluding ſome that appeared (6) *without Imperial Call*; though this was perhaps done according to the *Precept* of the Emperor. And yet from theſe condemned and rejected Practices of the Emperor the Doctor Preſcribes, and ſays, that Pope *Leo* did not complain for the calling of this Council, (7) and would juſtifie the Princes *excluding Power* (from hence) of all that he admits not to be ſent.

(5) *Epiſt. Leon. ad Theod. ap. Conc. Chalced.* par. 1. c. 17.

(6) *Ab Ep. Ejuſd. ad Euſ. Conc. Chalced.* p. 1. c. 19. & *al* c. 20.

(7) *Auth. of Chr. Pr.* p. 33.

From the *Call* go we on to the *Seſſion*, and therein firſt conſider the *Preſidence*, ſecondly the Conduct of the Lay-Commiſſioners. Now the Preſident was *Dioſcorus* an avowed Party for the Heretic *Eutyches*, and as avowed an Enemy to *Theodoret*, in hatred to whom, as well as for other Perſonal Intereſts in the Synod, the Emperor confeſſes he had made him *Preſident*, *i. e.* by a ſecret intention againſt *Theodoret* and all his Party; and to the ſupport of *Dioſcorus* herein he had given him *Juvenal* and *Thalaſſius* for *Seconds*. And hereto he adds a ſecret and deſigned ſting againſt *Flavian*'s Seſſion, and Acting, by an order, that they that *added* to, or *diminiſhed* from the *Nicene* or *Epheſine* Fathers, *ſhould have no* παῤῥησία, *no freedom of ſpeaking in this Synod* according to Dr *Wake*'s 4th *Aphoriſm*, *but ſhould be ſubject to their Judgment*, which I take to be that of *Dioſcorus*, *Juvenal*, and *Thalaſſius*, ſince all Perſons elſe were ſubject to the Judgment of the Synod without this *expreſs Caution* or *Proviſion*, but now in truth all were enſlaved to this *Triumvirate*.

(8) *Ibid* p. 39.

2*dly*, We are to look into the Lay-Powers of the Commiſſioners, according to the 1ſt, the *Tenour* of their *Commiſſion*, 2*dly*, their *actual Practice* upon it; becauſe the Dr. braves us with *theſe* as *good Precedents* for the like Practices under all Chriſtian Princes. (9) Firſt then the *Commiſſion* is directed to *Elpidius* and *Eulogius*. *who, being decrared ſound in the Faith, and fit to execute the Emperor's Orders, are* requi-

(9) *Auth. of Chr. Pr.* p. 50, 60, 61.

red

red to permit no Tumult, and to take into safe Custody any one that should raise stirs to the injury of the Catholic Faith, and that the business may go on in Order, to be present at the Judgment, and to order a speedy Examination, the former Judges of Eutyches *being present, without doing any thing but writing the Sentence of the Synod, since their* Acts *were now to be tried*; *and to suffer no other Transaction, till the Orthodox Faith were settled, for which he sent them Military Aids.* And to this purpose he gives a special Order to *Proclus Proconsul of Asia, upon peril to aid them against any Tumults made in Opposition* * *to his Commands.*† This is an *extraordinary Commission* without any *Precedent Example*, and intimates that there was no common business on foot, but such as required *choice Commissioners* and *Officers*, ready to execute Orders without scruple, as quick and unrelenting as any *Doeg* whatsoever. Again, *Tumults against the Faith* are to be repressed; but *Tumults for the Faith* are in no danger; whereas a just Prince ought to allow *no Tumults* even for the purest Faith, but the *Eutychian Party* was to be succour'd in *their Tumults*, as will appear by the Acts. Farther the whole Bench of Bishops, that judged *Eutyches*, are to have no Judgment here, put to appear here, but to appear as *Criminls* to be Prosecuted by *Eutyches* whom they had Condemned, a thing without all *Reason*, *Conscience* or *Precedent*. Moreover yet, an armed Force is given, to prevent all Contest of these Orders, and the Proceedings excepted from them. All which was nothing else but a *contexture of abominable Tyranny*, which yet the Doctor legitimates in Princes over all Synods in broad and undisguised manner. (11)

(10) Act 1. *Eph.* Chalced. relect. Act 1.

* This was cunning to excuse such Tumults, as did not oppose his Commands.

† *Ibid.* ad Proclum.

(11) *Auth. of Chr. Fr.* p. 70, 71.

After the *Commission*, let us in the Doctor's Words see how exact *Elpidius* and *Eulogius* were (to their praise be it spoken) *in holding the Fathers to the Rules delivered to them* in the Acts of this Synod. (12) 'First then the Synod cor-
'rupts the very Acts in the Entrance, setting down *Julian*,
'Pope *Leo's* Legate, next to *Dioscorus*, whereas he, on the
'Right of *Leo* requiring the *Presidence*, was rejected; *Fla-*
'*vian* is put in the *5th* Place, though he came in as a
'Person Condemned. (13) They inserted the *Legates*
'Speech for the Reading the Pope's Letter, which *Dioscorus*
'swore, and *Juvenal* pretended should be Read, which
'yet was never done, nor could *Dioscorus*, *Juvenal*, or
'*Thalassius*,

(12) *Ibid.* p. 61.

(13) Act 1. Eph.

'*Thalassius* shew cause for the Omission. (14) They Read (14) *Ibid.*
'the Emperor's Accusation against *Flavian* in his Letter to
'the Synod; they corrupted the *Acts*, and blotted out the
'*Copies* of *Stephen* Bishop of *Ephesus* his Notaries, almost
'broke their Fingers, and took away their Standishes, so
'that *Stephen* had no Copy of the Acts, but he, and others,
'for whom he engaged, subscribed to a *blank Paper* at the
'very hour of Sentence against *Flavian*, which they did
'through intolerable and infinite Violence against their
'Wills, being shut up till even, without any respite or
'liberty to recede, or to be their own Masters; Soldiers
'and Monks being let in upon them with Swords and
'Staves. The *Egyptian* Monks, and a great Multitude under
'*Barsumas*, rose up once against *Basil* of *Seleucia* in *Isauria*,
'confessing two Natures in the one Person of Christ, crying
'out to *cut all of that Faith in two*; and a second time,
'upon a like Confession, such a noise was raised against
'him to the utter amazement of all Orthodox Bishops,
'especially those that were to be judged. After the reading
'of *Eutyches* his Libel, *Flavian*, that had judged him, de-
'clared, that *Eusebius* of *Dorylæum* was his Accuser, and
'desired that he might be admitted; this was not granted by
'*Dioscorus* and his *two Assessors*, contrary to Order and
'Canon; for which at *Chalcedon* they pleaded, that *Elpidi-*
'*us* produced a *Precept* from the Emperor not to admit him,
'and so would not suffer it, which even the Lay-Judges at
'*Chalcedon* judged an ill Plea, in the Cause of Faith to
'transgress the Canons, in obedience to *Elpidius*. * But so * *Note that* Dr. W.
'it was; at that Canonical Proposal of *Flavian*, *Elpidius*
'declares, that the Emperor, the Inventor and Keeper of
'Laws, had ordered that they that had been Judges should
'now take the place of Persons to be judged, and
'have no *place*, or liberty of *Information* † or *Direction* with- † διδα-
'out leave of the rest; that *Eusebius* of *Dorylæum* had done σκαλίας.
'his office of *Accuser*, and that *Flavian*, the Judge, had
'brought *Eusebius*'s Guilt or Cause upon himself according
'even to *Secular Laws*, and so the Synod was to judge
'*Flavian*, and not readmit *Eusebius*, and create new Distur-
'bances; though at *Constantinople Eusebius* in his Libel had
'desired the Presence of *Eutyches*. When *Eusebius* in the
'*7th* Act at *Constantinople* (Read at *Ephesus*) demanded
'of *Eutyches*, if he owned *two Natures* after the Incarnati-
'on, and Christ to be *Consubstantial* with us according to
'the Flesh? *Dioscorus*, and his *Egyptians*, cried out, Take

'and

'and burn *Eusebius* alive, Cut him in twain; and in the 'Acts set these *direful Expressions* in the Name of the whole 'Synod, though the *Easterns*, and *their Party*, never said 'so; the like whereto they did by a Confession of *one Na-* 'ture after the Union, which *Dioscorus* and his Party only 'made. *Dioscorus* made *Basilus Seleuciensis* retract his *In-* 'terlocution at *Constantinople* for *two Natures* with all manner 'of Terrors, letting in Soldiers into the Church upon him, 'with that Murtherer *Barsumas* and his Monks, and other 'a great Multitude, When the Bishops were dejected at 'the Condemnation of *Flavian*, and were loath to speak, 'Dioscorus cries out aloud, *Whosoever will not Subscribe, is a-* 'gainst me, and *Eusebius* [of *Ancyra*] had been likely to 'have been killed but for lingring to speak. Upon the 'Reading the Canon in the first *Ephesine* Council against all 'Question or Disceptation about the established Faith, *One-* 'siphorus of *Iconium* said to the Bishops neer him, That *this* 'was in order to depose Flavian; *No, no.* said *Epiphanius* of 'Perga, *'tis against* Eusebius, *if against any Body; 'tis impossi-* 'ble it should be designed immediately against Flavian; but as 'soon as 'twas read, *Dioscorus* calls the Notaries, and Sen- 'tence of Deposition was read against *Flavian. Onesiphorus* 'and others deprecated for *Flavian*, humbly holding *Dios-* 'rus by the Knees, but he said, *He would not be perswaded* 'to revoke it, if he should have his Tongue cut out, and in the 'mean time in comes a great Rabble, and while they were 'still upon their Intreaties he cries out, *Are you Seditious* 'against me? *Bring me the Counts*, and they with the *Procon-* 'sul came in with Chains and a great *Mob*, which forced 'the Petioners to Subscribe. Nor did he only condemn 'Flavian under colour of the *Ephesine* Canon, but *Eusebius* 'of *Dorylæum*, though not suffered to appear. He caused 'also *Theodoret* to be condemned, though confined from 'appearing to his Defence, and *Ibas*, and *Sabinian* of *Paros*, 'and lastly *Domnus* of *Antioch*, being then absent upon 'Sickness: (who had voted with him all along in this Sy- 'nod) for an Epistle, which *Dioscorus* pretended sent him

(15) *Hilar. Diac. Ep. ad Pulch. Aug. ap. Conc. Chal. ced.* Part 1. c. 24.

'by *Domnus* against *Cyril*'s 12 Chaplets. *Hilary*, or *Hila-* 'rus, the Pope's *Deacon-Leagan*, contradicted *Flavian*'s Sen- 'tence, and was forced to escape for his Life. (15) *Fla-* 'vian rejects *Dioscorus*, and upon his Appeal *Dioscorus* caused 'him to be abused that he soon died of his Bruises. So well did *Elpidius* and *Eulogius* hold the Fathers to the Rules delivered them. And could the Doctor that knew

all

all this, *freely*, and not *without horrour* mention theſe *Commiſſioners* with their *Powers*, and refer in general to their *Acts*, with a ſeeming air of commendation of their *Regularity*, on purpoſe to make them *Exemplary* to the *like rightful Authority* over *all Synods* in *all Princes* and *their Commiſſioners?* This he does Page 60, 61. though Page 88. he confeſſes, *That by the Power of* Dioſcorus *all things were tumultuouſly tranſacted, and that Pope* Leo, *in a Synod by him called at* Rome, *rejected the Acts of* the Epheſine *Council, in which things had been carried on in a very diſorderly and uncanonical manner.* Were they ſo indeed? And by the Power of *Dioſcorus?* But who gave that Power to *Dioſcorus?* Was it not the Emperor in giving him *Elpidius* and *Eulogius* for Commiſſioners, and *Proclus* with armed Men? And did any of theſe go beyond their Commiſſion? It appears they did not in *ſeveral uncanonical* and *diſorderly Acts*, nor does it appear they did in *any*, ſince the Emperor would admit no complaints herein, but juſtified, and defended it till his Death. How then comes the fault of Diſorder and Tumult to be charged only on *Dioſcorus*, and the Emperor, and his Commiſſioners ſet forth as acting *regular*, and as *good Precedents* for all other Chriſtian, nay even Catholick Princes to follow? This looks ſomewhat like corrupting the moſt important Truths of Hiſtory, to ſerve a Cauſe, which the Hiſtory of this Council openly condemns.

The next thing memorable to our purpoſe is the Emperor's *Confirmation* of the Acts of this Synod, which conſiſted in an *Edict* againſt the ſacred memory of murthered *Flavian*, and againſt the Perſons of *Theodoret*, and *Euſebius Dorylæenſis*. But in the Caſe of *Ibas*, *Sabinian*, and *Domnus* here was no *legiſlative* form of *Confirmation*. The moſt that the Emperor did herein was to ſecond and defend the Sentence by Force and Execution, and to deny all means of Reverſe in his Letters to *Valentinian*, *Placidia*, and *Eudoxia*, owning all that were ſentenced to be fairly ſo; (16) all which of neceſſity ended with his Life, whereas his *Edict* was deſigned as a perpetual Law againſt the *memory* of *Flavian* and the Perſons of *Theodorit* and *Euſebius*. But herein we obſerve; firſt, that not only his Defence of the Sentence againſt *Ibas*, *Sabinian*, and *Domnus*, but even his *Edict* againſt the others, was not a *ſimple conſtitutive* and *ratifying Confirmation* of a Sentence *ſuppoſed otherwiſe invalid*

(16) *Concil. Chalced.* Part 1. c. 29. οἱ ἀνάξιοι τ ἱερωσυνης ἀπεκηρύθησαν. vid. c. 30, 31.

without it, but *ſecularly*, *additionally*, and *conſequently* Corroborant of Acts *ſuppoſed before Spiritually Firm and Canonically valid* of themſelves; for as the Emperor ſo declares them in the forequoted Letters, ſo the *Edict* againſt *Flavian*, coming, after his Death, only againſt his Memory, could not be a *Conſtituent Ratification*, of that *Conciliar Sentence* againſt his *Perſon*, which, if not *valid*, could not be made ſo, after his Buchery, by an *Edict* paſt only againſt his *Memory*. Beſide this Appeal made by *Flavian* to a Council, before any *Edict* of *Confirmation* had been premature and unſeaſonable, if no Synodical Sentences were then reputed *formally valid* till *Civil Confirmation*. Secondly we are to note, that the Sentence it ſelf, following upon Acts *formerly uncanonical*, was for that cauſe not only *unjuſt*, but in it ſelf *invalid*, and ſo immediately cenſured by the Pope and his Weſtern Synod; (17) and ſo after by the whole Church, as ſoon as *Theodoſius* was dead; nay even by the Emperor *Marcian* himſelf, even before the Council of *Chalcedon*, and the formal Repeal of *Theodoſius*'s Edict, for that he cauſed his Corps to be buried in the *Apoſtles* Church at *Conſtantinople*, and his Memory to be made Sacred before the *Chalcedon* Council, aud reſtored the other Exiles alſo. (18) The Council alſo of *Chalcedon* reſtored *Flavian*'s Memory to all Churches, and *Theodoret* and *Euſebius* to their Sees upon a *notorious nullity* of the *Epheſine* Sentence, notwithſtanding the *Imperial Edict* of the pretended *Confirmation*; and this they did before *Marcian* cancelled that Edict, which was cancelled, not as before *good* or *valid*, but that it might be no more a Stone of ſtumbling, or a Rock of offence againſt them, either then, or in times to come. From whence it appears, that (contrary to the Doctor's Notions) what in Syneds is not valid of it ſelf, and ſo needs no *Imperial Ratification*, cannot be, not ſo much as *corroboratively Confirmed* by an Emperor.

(17) Hilar. Diac. Leg. Epiſt. ad Pulch. Aug. Concil. Chalced. Part 1. c. 24. —— *à Præfato Papa cum omni occidentali Concilio reprobari omnia, quæ in Epheſo contra Canones per tumultus & odia Sæcularia a Dioſcoro Epiſcopo geſta ſunt, & nulla ratione hæc in his Partibus ſuſcipi poſſe, quæ per potentiam prædicti non ſine læſione fidei, & præjudicio ſanctiſſimi viri innoxiiq; commiſſa ſunt.* Vid. Leon. Ep. ad apud. c. 21.

(18) *Pulch. Aug. ad Leon. Pap. Ep. Conc. Chalced.* Part 1. c. 25.

Under

Under this *Duumvirate.*

Councils called by the Emperors.

1. Council of *Epheſus*, Gen. *anno* 431.
Council of *Conſtantinople*, *anno* 450.
2. Council of *Epheſus*, *anno* 450.

Councils not called by the Emperors.

Council of *Conſtantinople* by *Neſtorius* againſt *Philip*, *anno*—
Council of *Alexandria* againſt *Neſtorius*,——
Council of *Rome* againſt *Neſtorius*,———
Council of *John* at *Epheſus*, *anno* 431.
Councils of *Antioch*, *Tyre*, and *Berytus* upon *Ibas*, *anno* 448.
Council of *Tarſus*,——
Council of *Berræa*,———
Council of *Antioch* under *John*,———
Council of *Hierapolis* under *John*,———
Council of *Antioch* under *Domnus*,———
Council of *Conſtantinople* under *Flavian*, *anno* 448.
Council of *Rome* under *Leo* againſt the 2*d Epheſine* Council, *anno* 449.
1 Council of *Orange* *anno* 441.
Council of *Vaſio*, *anno* 442.
Council of *Rome* againſt the *Manichees*, *anno* 441.
Council depoſing *Chelidonius*, &c. *anno eod*
Council of *Rome* in the Cauſe of *Hilary* of *Arles*, *anno* 445.
Council of *Spain* againſt *Priſcillianiſts*, *anno* 447.

XXXV. *Of the Council of* Chalcedon, *being the 4th General, Anno* 451.

WE are now come to the 4*th* Great General Council at *Chalcedon*, whoſe *Preparations*, *Forms*, *Acts*, and *Confirmations* being very remarkable, we are in this alſo to obſerve our conſtant Method, beginning firſt with the *Call* thereof. The Emperors then, having taken upon them to

call *great* aud *extraordinary* Synods, either upon their own Affection, Public Troubles, or Appeals, and added their *Imperial Concurrences* with theſe Synods, it ſoon became a part of the *Imperial Government*, which every Party laboured to ſecure to themſelves, and thereby to ſuppreſs their Adverſaries. Theſe Practices, and Apprehenſions of them, inſtead of Peace, cauſed great and dangerous Diſturbances, and a mere ἐμφύλιος πόλεμος, a State of Inteſtine War to the Empire, which when they thought to compoſe or extinguiſh by Synodical Reſolves of the Eccleſiaſtical Controverſies that occaſioned ſuch Ruptures, the Emperors then, either of their own accord, or rather upon requeſt convened them. Now theſe were great Bodies, under whoſe Condemnation whoſoever fell he generally was remedileſs, becauſe it would be difficult to obtain a greater Synod, eſpecially of the ſame Emperor that accorded with it; and the effect thereof upon the Heads of the Condemned Parties, was utter Excommunication and Baniſhment, without hope of Reſtitution. So that ſuch Procedures carried not the pure air of the Primitive Synodical Diſcipline, which was only deſigned to cleanſe the Church from Corruption and Shame, and charitable Methods to humble and recover the Cenſured; but look'd like taking up Arms to oppreſs and cruſh the weaker Party, and ſo never had truly good and Chriſtian Effects. Such had been the apparent Virulence of the 2*d Epheſine* Council; under which the Innocent and Righteous fell, and that irreverſibly, while *Theodoſius* lived, with whom no *Appeals* nor *Mediations* could prevail admit a larger and freer Council to review the *Epheſine* Acts. But when *Marcian* ſucceeded to *Theodoſius*, the Reaſon and Equity of the Cauſe, as well as the Influence of the Mediators, prevailed with the Piety of *Marcian* to liſten to ſuch Addreſſes as were thought canonically expedient to reverſe the Evil; and he reſolved to gratifie the Church by a very large and free Council, which was firſt called to *Nicæa*, and after removed by the Emperor to *Chalcedon*. After which *Preliminaries*, we are in the next place to conſider *who called*, and ſecondly the *form* of the *Call*. That *Marcian* called it by his Royal Letters is apparent, and that he appointed the *Time* and *Place* is as evident, though Pope *Leo* earneſtly requeſted for a longer reſpite, and a *Place* for it in *Italy*. Yet the ſame Pope pretends, that *his Conſent*, together with

with the *Emperor's Precept*, concurred herein. (1) And withal he does indeed let *Marcion* know, that *tho' the Emperor called it ſooner then the Pope thought convenient, yet his Holineſs would not oppoſe it*; (2) whereby he intumates a Power in himſelf to have oppoſed it. The Biſhops of *Mæſia Secunda*, in their Synodical Letter to the Emperor *Leo*, aſcribe the *Call* of this Council chiefly to Pope *Leo*, and next him to *Anatolius* Biſhop of *Conſtantinople*, (3) as concurrent herein with the Emperor. In which is a *Precedent*, that where *Chriſtian Princes* have the *Conſent* and *Concurrence* of their *Arch-Biſhops* or *Primates*, they may call large Councils within their Dominions, and that where the Princes pleaſe, as *Marcian* did, (4) but farther this Inſtance cannot extend. *Secondly*, we are to conſider the *Form* of this *Call*. Now the Biſhops to whom the Emperor wrote *were admoniſhed to uſe Diligence in coming to* Nicæa, *and bringing with them whom they pleaſed and Men well prepared for the buſineſs to be tranſacted*. (5) But to the *Pope* the Letters were *if it pleaſed his Holineſs to come*, becauſe the Emperor knew his *claim* of *Abſence* upon Cuſtomary Right; *but if it were too burthenſome to him, that he ſhould ſend word*. Which Liberty left to the *Pope* appears not to be of mere *Imperial Grace*, but *deference to his claim of Exemption*, which he had before made to *Theodoſius*. (6) Nor do the other *Imperial Letters* in the *Greek Copies* import any *Menace*, or impute any *Crime* upon the *Omiſſion*, though in the *Latin Copy*, or *Tranſlation* of one Letter, there is an Imputation of Offence to God, and to the Emperor, but without any Denunciation of Puniſhment. (7) And hereupon it is farther to be noted, that ſeveral Biſhops ſent *Chorepiſcopi* or *Rural Biſhops*, *Presbyters*, *Arch-Deacons* and *Deacons* to repreſent them, and ſit in their *Name* and *Right*, and not at

(1) Leon. Epiſt. ad Epiſc. Chalced. congreg. Conci Chalced. Part 3. c. 16. *ex præcepto Chriſtianorum Principum, & conſenſu Sedis Apoſtolicæ placuit congregari.*

(2) Leon. Ep. 43. ad Marcian. *Ego etiam veſtris diſpoſitionibus non renitor.*

(3) Concil. Chalced. Part 3. c. 32.— *In Chalcedonenſium civitate multis ſanctis Epiſcopis convenientibus per juſſionem Leonis Romani Pontificis, qui vere caput eſt Epiſcoporum, & venerabilis ſacerdotis & Patriarchæ Anatolii*, &c.

(4) Ἔνθα ἂν ἡμῖν δόξῃ. *Ep. Marcian Imp. ad Pap. Leon. Conc. Chalced.* Patt 1. c. 34.

(5) *Sacr. Imp. ad omn. Epiſc ap. Concil. Chalced.* Part 1. c. 36 *& ad Anatol. Epiſ. Conſtantinop.* Ibid. c. 37.

(6) *Vid. Ep. Leon. ad Conc.* Part 1. c. 40.

(7) *Sacr. Imp. ap. Conc. Chalced.* Part 1. c. 36.

the *Election*, *Grace*, or *Admiſſion* of the Emperor's *as being merely of Counſel to him.* And moreover two *Saracene*, and two *African* Biſhops here convened, though not within the *Imperial Juriſdiction*, (8) whoſe call therefore muſt have been not by *ſtrict Precept*, but *kind Invitation* only. Now from hence no more can be preſcribed for *other Chriſtian Princes* than *this*, that they may ſend out Letters of *Admonition* unto Biſhops to appear, but without any *Subpenal* Forms, and thereupon they may appear, if not *in Perſon*, yet *by the Proxy* of either *Chorepiſcopi*, *Prieſts Arch-Deacons*, or *Deacons*, who ſhall have an unrefuſable Right of *Appearing*, *Sitting*, and *Acting* in the *Name* and *Stead* of thoſe Biſhops who ſent them. And more than *this* the Doctor will hardly be able to find from *this Precedent.*

(8) *Vid. Subſcrip. & notas Tom.* 9. p. 403.

This is the ſhort Account of the *Convocation* of this Council; come we next to the *Seſſion*, in which we are to obſerve, that it was of a *mixed* or *compounded Form*, conſiſting of the *Preſence* and *Acts* of *Lay-Judges* and *Biſhops.* Among the *Laity* the Emperor himſelf deſigned to be preſent at *Nicæa*, if the Public Affairs would permit. (9) When the reſt were come to *Nicæa*, the Pope's *Legates* earneſtly intreated the Emperor's Preſence, *poſitively aſſerting*, * *that otherwiſe they would not go thither*, (10) which the Emperor imputted not to *any contempt*, though it appears not that this was given them by the Pope in *their Powers*, not being yet acquainted with ſuch *Imperial Powers* as ſome modern Doctors have ſo liberally aſſigned him. Hereupon *he entreats them, if they pleaſe, to remove to* Chalcedon, *not doubting of their good pleaſure ſo to do.* (11) At this the Fathers, convened at *Nicæa*, demurr'd, for fear of ſome *Eutychian* Statagems from *Conſtantinople*, upon which he ſends to them a ſecond time by way of *Exhortation* † and *Encouragement*, upon which they yeilded; (12) and yet they own that they met κατ' κέλευσιν, *according to the* Command of the Emperor, by a formality of Complement, through which we call the Requeſts of our Friends or Superiours, Commands; however it ſhews, what reſpect and reverential treatment of Biſhops becomes the greateſt Princes, as in all things, ſo eſpecially in Matters and Aſſemblies Eccleſiaſtcal; nor do I think that Prince really a *Chriſtian* in Heart, that uſes a *Biſhop* or *Prieſt* ſuperciliouſly. Being then finally ſettled at *Chalcedon*, in the Seſſion here were two *Bodies* or *Powers*; one of the *Princes* and *Senators* ſent to repreſent the Emperor in his Abſence, and to attend him

(9) *Sacr. Imp. ad Anatol. ap. Conc. Chalced.* Part 1. c. 37.

* διαβεβαιωσάμενοι.

(10) *Ibid.* c. 41.

(11) *Ibid.* † παρεγενῶμεν.

(12) p. 1. c. 42.

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in his Preſence, and the other of the Biſhops, which are diſtinctly called the *Synod* excluſive of the *Lay-Powers*. The next thing then to be conſider'd is their *Order*, in which the *Lay-Powers*, as repreſenting the *Emperor*, are firſt named in the Actions before the Synod, who, though *Biſhops*, were yet *Subjects*; beſide the *Lay-Powers* were at preſent *Mediators*, both of *Juſtice* and *Peace*, between the divided Parties, and even under *That Quality* a *Priority* did well agree to them; but being diſtinct Body and Part from the Synod, they were not proper *Preſidents* of it, nor *Judges Eccleſiaſtical*, and therefore this is not a ſufficient *Precedent* for the *General Vicarſhip* of Sir *Thomas Cromwel*, notwithſtanding the Gloſs and Authority of Dr. *Heylin* in this matter, (13) as will appear very particularly by and by. For the Pope's *Legates* were the *formal Preſidents* of it in the Pope's Name and Place, and by vertue of his Deputation, if we believe the Pope's Intimation hereof in his Letter to the Council. (14) But by what Right the Pope obtained this *Preſidence* is to be queſtioned. St. *Peter* had ever been acknowledged as the *firſt* of the 12 Apoſtles, and the Pope *his* (as well as St. *Paul*'s) Succeſſor at *Rome*. He had been ever from the beginning the *Mediator* of the *Epiſtolary Commerce* between the *Eaſtern* and the *Weſtern* Churches, and ſo the *ordinary Center* of their Communion, and upon *that account* addreſſed to againſt *Imperial Violences*, that by the weight of the Catholick Unity, of which he was the great and common Miniſter, the Church might be able to ſuſtain it ſelf againſt, not only *Schiſms*, but *Secular Impoſitions*. Before this time a Superſtition toward the Saints (as *tutelar Powers* and *Mediators*) had much obtained; and St. *Peter* eſpecially was thought to *Preſide* over the Church at *Rome*, and to govern in his Succeſſors; ſo that any neglect of the Pope was look'd upon as a Contempt of St. *Peter*, and to this the 3*d*, 4*th*, and 5*th* Canons of *Sardica* contributed very much. This then was before now a very popular Notion in *Italy*, as appears by the Letter of *Peter* Biſhop of *Ravenna* to *Eutyches* at the beginning of this Controverſie. (15) And theſe Notions had taken ſuch a firm and common Root, that even the

(13) *Apud Dr.* W's. *App.* p. 89.

(14) Part 1. c. 40. Ἐν τούτοις τοῖς ἀδελφοῖς——— ἐμὲ δὲ σωόδῳ παρεδρεύειν ἢ ὑμῖν ἀδελφότης ἠγείσθω,——ὅσις διὰ τὸ τοποτηρητῶν ὑμῖν πάρειμι τῆς ἐμῆς.

(15) *Concil. Chalced.* Part 1. c. 15. ἐπειδὴ ὁ μακάριος Πέτρος, ὃς ἐν τῇ ἰδίᾳ καθέδρᾳ καὶ ζῇ, καὶ παρκάθηται, &c.

Devout Emperors and Empreſſes had freely entertained it, and took up a cuſtom of ſaluting St. *Peter* at his Church at *Rome*. (16) and look'd upon the Pope by the Tradition of all Antiquity to have an univerſal Prieſthood * on the Right of Succeſſion to St. *Peter*. Now the Emperor *Marcian* ſends to the Pope, with all imaginable deference and regard to the Rights of St. *Peter*'s Chair, (17) and recommends to him the Conduct of the Synod, (18) in order to a final compoſure of Peace, *&c.* The *Preſidence* therefore was aſſigned by the Emperor to Pope *Leo*, and in great reverence to St. *Peter*'s Chair, to whoſe *Right* of *abſence* he conceded; but whether he thought the Right of *Preſidence* in a General Council to belong to the Pope merely on his Relation to St. *Peter*, or only thought it very convenient and agreeable to decency, or expedient to attain his deſired ends, by gratifying the Catholics of all the Empire, that were in great Union with Pope *Leo*, is not certain. Beſide it was offered him on ſuppoſition of his *Preſence* only, and ſo not expreſsly to his *Delegates*. 'Tis true his Legates in this Council condemn *Dioſcorus*, as for other things, ſo for *preſiding* in, and holding the 2*d* (19) Act 1. *Epheſine* Council without the *Pope*'s *conſent*, (19) by which they ſuppoſe the Pope could have deputed the *Preſidency* to him on his own *Apoſtolical* Right, as he had now done to theſe. And it is perhaps no inconſiderable Note, that none in the Council, Lay-Powers, or Biſhops, diſſallowed thoſe Pretenſions of theſe Legates againſt *Dioſcorus*, for which (though the Pope had no proper Monarchy over the Church, yet) his *Mediatory Place* and *Office* ſeemed a good claim. It had been moreover look'd on as very invidious in *Theodoſius* by an arbitary Hand to have made *Dioſcorus* Preſident at *Epheſus*, by that means more ſpecioufly to compaſs the Oppreſſion of the Innocent, and 'tis a prejudice againſt ſuch pretended Imperial Powers; and this made the *Papal Pretentions* at that time much more feaſible, and acceptable.

(16) *So did* Valentinian 3*d*. *the Weſtern Emperor and Empreſs Mother to* Theodoſius, Galla Placidia, *and his Daughter* Empreſs Licinia Eudoxia, *as appears by their Letters to* Theodoſius, *upon the Popes Requeſt*. Concil. Chalced. Part 1. 25, 26, 27.

* Ἱερωσύλῳ καὶ πάντων c. 25.

(17) Ep. P. *Leon.* ad Synod *Chalced.* Part 1. c. 40. φυλάττομένων πᾶσι θεσμῷ τῆς μακαριωτάτης Πέτρου τῆς ἀποστόλου τοῦ τε δικαίωμ, καὶ τῆς τιμῆς ἐτὶ τοσοῦτον, &c.

(18) *Valentin.* & *Marcian.* Ep. ad *Leon.* Pap. Concil. *Chalced.* Part 1. c. 33. — ὥστε ——— σὲ ἀνθεντοῦντος μεγίστη εἰρήνη— ὑπαρχθείη. Ita Pulch. Aug. Eund. Pap. c. 35. — ἵνα ——— σὲ ἀνθεντοῦντος δείσωσιν.

acceptable. Yet after all, though the Pope uſed all poſſible Acts and Wheedles with the Emperor and Empreſs, to obtain his Points, yet he preſumes no higher in his Applications for the *Preſidence* of his Deputies, than to recommend it *as convenient*, (20) not *as due of abſolute Right*; but the Inclinations of the *Emperor* and the *Catholics* concurring, upon the then juncture and aſpect of Affairs, he carried his Point, and his *Legates* obtained the *Synodical Preſidence*.

(2) Leon. Pap. Epiſt. 49. ad Marcian. Aug. ——— *prædictum fratrem & Coepiſcopum meum (Eaſchaſinum) vice mea Synodo convenit Præſidere.*

From the *Compoſition*, *Order*, and *Preſidence* of the *Seſſion* come we to the *Acts*; for the right underſtanding of which, and their Reaſons, it is neceſſary to conſider the nature of the matters to be examined here, moſt of which by the Complaints and Libels generally appear to be of a *mixt Nature*, upon *Eccleſiaſtical* and *Secular* Wrongs, in order to *Eccleſiaſtical* and *Secular* Cenſures. And therefore ſome tender their Libels to the Emperor only, who refers them to the Synod. So did *Euſebius* of *Dorylæum*, who had ſuffered, not only under the *Epheſine Sentence*, but *Imperial Edict*; (21) So the *Ægyptian Biſhops*; (22) So *Hauſtus*, *Martin*, *Peter*, and other *Archimandrites*; (23) So *Photius* againſt *Euſtathius*; (24) So *Juvenal* and *Maximus*; (25) So *Ibas* of *Edeſſa*; (26) So *Baſſianus*; (27) So *Eunomius*; (28) Some complained not only to the Emperor, but the Council alſo, as *Chacoſus* and his Partners; (29) So did *Sabinianus*; (30) *Athanaſius* an *Alexandrian Priſbyter*; (31) *Theodoret* to the Emperor, and the Pope's Legates; (32) but *Theodorus* to Pope *Leo* and the Council; (33) So *Iſchyrion*; (34) and *Sophronius*; (35) And therefore it is no wonder, that the Emperor ſhould ſend *Secular Powers* to be concerned in the *Diſcuſſion* and *Mediation* of Affairs, eſpecially ſuch as were tendred him in Libels. This being premiſed, we proceed to obſerve, that ſome Acts were carried on by the *Conduct* of the *Lay-Powers*, but at laſt by them referred to the *final Determination* of the *Synod*; others by the *Synod* only. Thus firſt the *Lay-Powers* propoſe their Opinion, *if it ſhould be approved by the Emperor, that* Dioſcorus *and the other Heads of the 2d* Epheſine *Council ſhould be deprived by the Synod according to the Canons*, that is, *if it ſhould ſeem good alſo to the Synod, who were impowered*

(21) Act 1.
(22) Act 4.
(23) Act 4.
(24) Act de *Photio*, &c.
(25) Act 7.
(26) Act 9.
(27) Act 11
(28) Act 13
(29) Act 4.
(30) Act 14
(31) Act 3.
(32) Act 8.
(33) Act 3.
(34) Act 3.
(35) Act 3.
(36) Conc. *Chalced.* Act 1. p. 390.

impower'd by the LORD GOD *with this* Authority; (37) which the Synod it ſelf calls *Apoſtolical.* (38) So that here I have the ſenſe of a great and excellent General Council for the *Divine* or *Apoſtolical Authority* of Councils, even ſuch as Emperors called, and *Superior* to that of the *Imperial Commiſſioners.* For we muſt know, that in the 3*d* Action *Dioſcorus* declined Appearance, becauſe the *Lay-Powers* were not preſent; and therefore that *that Abſence* might be no *Impeachment* to the *Canonical Power* of the Synod, they mind him of what he knew, and neither could, nor did deny, that their Authority alone, without *Lay-Powers*, was *Apoſtolical*, to which he owned Obedience; and *Cecropius* afterward told him, that in *Canonical Trials* (*i. e.* of Biſhops as I ſuppoſe) it was not fit that *Lay-Powers* or *Perſons ſhould be preſent.* (39) And at laſt they condemned *Dioſcorus* in this Action, without any Previous Reference to the Emperor or them, *&c.* which the Seculars indeed reſented, and told the Synod, *they muſt account to God for ſo doing*, but never told them they muſt account to *him* or the *Emperor, who had Authority to reſcind their Judgment.* Nor had the Synod any of our Doctor's Notions; but they reply for themſelves, *that* Dioſcorus *was juſtly deprived, nay that* God *and* Chriſt *had deprived him*; (40) and ſuch a Sentence was far enough above the power of the *Imperial Reſciſſion.*

(37) Act 3 p. 484. Joann. Epiſc. Germaniciæ ad Dioſc. οἱ ἐνδοξότατοι ἄρχοντες, καὶ ἡ ἱερὰ σύγκλητος μὴ τῆς ἁγίας συνόδου τῷ ἐξέτασιν τῶν ἐπαγομένων-- ἐποιήσαντο, καὶ ——— ὑπὸ ἀποφασίν σε πεποιήκασιν, εἰ τοῦτο παρασαίη τοῖς ταύτῃ ἐπάγειν τῷ δεσπότῃ Θεῷ πεπιστευμένοις ἀγωνάτοις ἐπισκόποις· ἀλλὰ τὸ πρέπον, ἑαυτῇ ἡ ἀγωνάτη συνόδος εἰς νοῦν λαβοῦσα, ἔχει τοῦ παρόντος τῇ Θεοσεβείᾳ σου ἐνδέδωκε.

(38) Act 3. Epiſt. Syn. ad *Dioſc.* ——— μεγάλῃ συνόδου ἔχουσαν τῷ ἀποστολικῷ αὐθεντίαν.

(39) Act 3. p. 455.

(40) Act 4. p. 584.

In the Action between *Photius* and *Euſtathius* the Caſe was, that *Berytus* having been made a *Metropolis* by an *Imperial Pragmatic*, *Euſtathius* the Biſhop claimed thereupon a *Metropolitical Juriſdiction* over the Cities ſubjected to this *New Metropolis*, to the Prejudice of the *Metropolitan* Church at *Tyre*; And therefore *Photius* applies to the Emperor for Redreſs, that under the Umbrage of the *Pragmatic Sanction* he, and his Church, might not ſuffer in the *Eccleſiaſtical Rights*; and this the Pious Emperor refers to the Council, and all, *Photius*, *Euſtathius*, the *Council*, the *Lay-Powers*, and the *Emperor* agree, that herein the *Canons* ſhould be preferred

preferred above *Imperial Pragmatics*; and ſo it was ordained in this Council, quite contrary to Dr. *Wake*'s annulling Powers. (41) The *Eutychian Archimandrites*, *Charoſus* and his Partners, had declined Appearance at the Council, unleſs the Emperor was preſent, and this by the pretended order of the Emperor; (42) and pretended that the Emperor had promiſed to convene *them*, and the *Monaſtries*, and to judge between them; to this *Alexander*, the *Legate* of the Synod, conſented in their Name, *that it might be done, if the Emperor pleaſe, ſave that the Council could not go to* Conſtantinople. But the Emperor ſent thoſe *Archimandrites* word, *that had he had any mind to have judged himſelf between them and the other Monks, he would never have troubled the General Council to come thither; and ſo refers them to the direction of the Synod; for that he ſhould* believe, embrace *and* adhere *to the Determination of the Synod.* (43) Here we ſee *Heretics* endeavouring to oppreſs the Authority of a *General Council*, by appealing to the Judgment and Conſcience of a Catholic Emperor, to whom the Council was content to remit the Cogniſance, if it pleaſed, ſaving to themſelves their abode at *Chalcedon*; * but the Pious Emperor lodges the Deciſion with its *proper Judges*, and ſurrenders up himſelf to their Determination, as that from which no Appeal ought to be admitted by him; nor did he thereby think himſelf *hoodwink'd*, as not having any ſuch *baſe Notions* as Dr. *Wake* has everywhere vented againſt Synods, eſpecially as to this Point in his 2*d* Chapter, and 23*d* Section.

(41) Act de *Photio* & *Euſtath.*

(42) Act 4. p. 600, &c.

(43) Act de *Charoſ.* & *Doroth.* εἰ δέ τι ἂν τυπώσῃ ἡ ἁγία καὶ οἰκουμενικὴ Σύνοδος, καὶ ἐπιδῶ μοι ἐγγράφως, τούτοις σοιχῶ, τούτοις σέργω, τούτοις πιστεύω.

* *which ſhews their Liberty.*

In the 5*th* Action the Emperor in Perſon renewed a former Propoſal of the *Seculars* for a draught of Faith to "be made by ſix Biſhops of the *Eaſtern* Dioceſe, three of "the *Pontic*, three of the *Aſian*, three of the *Thracian*, and "three of the *Illyrian*, in the Preſence of *Anatolius P. C.* "and the Pope's *Legates*; or, if the Synod thought good, "every Biſhop ſhould declare his Faith by his *Metropolitan*, "or if *their Holineſs* would not yield to this, there ſhould "then be a Synod in the *Weſt*, becauſe of this their refuſal "at *Chalcedon*. Here then was *Matter* and *Methods* propoſed by the *Emperor*, but how? What! *Authoritatively*, and *ſub pœnâ contumaciæ?* No ſure; but only *directively*, with an intimation, that otherwiſe there ſhould be a Synod in the *Weſt* for this purpoſe, which yet he was no more ſure of in

in this particular, than of this at *Chalcedon*. What then? did this Council comply? No; they ſtill refuſed, but required, that their *Definition already made upon the Faith ſhould ſtand, or elſe they would be gone.* † Now was this the Conduct of an Emperor, or the Carriage of a Synod, that thought all *Matters*, *Methods* and *Acts Synodical*, as well as the *Diſſolution*, to be in the *ſole* Deſcretion and Order of the Chriſtian Prince, while he precariouſly propoſes with reſervation to their Judgment, and they deny him with reſolution to be obſerved, or elſe declare they will *diſſolve*. By which is made good what this good Emperor profeſs'd, that *he preſented himſelf only for the Confirmation of the Faith, not for any Oſtentation or exerciſe of Power*, &c. (44)

† ἢ ὁ ὅρος κρατείτω, ἢ ἀπέρχόμεθα.

(44) *Allocut. Imp. ad Synod. Latin. & Græc.*

Let us then proceed and enquire what forms of Conduct the *Seculars* uſed in the Seſſion. And they indeed, as repreſenting the Emperor, very often manage the Diſcuſſion, give Counſel to the Synod againſt their *Animoſities*, and ſometimes in the *matter* and *manner* of Conduct, better than the ſenſe of the Council, and ſo acknowledged by the Council; yet the *Seculars* ſtill offered it with *Submiſſion* to the Pleaſure of the Synod, as in the Caſe of *Baſſian* and *Stephen*. (45) Nay they give their Suffrage for the Emperor in the *Indulgence*, or *Cenſure* of the Criminals, becauſe the effect was to be double, *Civil* as well as *Canonical*. In the Articles agreed upon between *Juvenal* of *Jeruſalem*, and *Maximus* of *Antioch*, about ſettling their Provinces, the *Secular Powers* declared it neceſſary, that theſe two Primates ſhould declare their Contract to the Council, that it might be *Confirmed* by their *Secular* Decree and the Synods Vote; (46) *one* being neceſſary to a *Civil*, the *other* to a *Canonical Eſtabliſhment*, and *both* to *Peace*.

(45) Act 11.

(47) Act 7. ἐκ ἡμετέρας ἀποφάσεως, καὶ ἐξυμετέρας ψήφου —— BEBAIΩΘHNAI. Note that ἀπόφασις and ψῆφος are promiſcuouſly uſed in ſuch matters, and are here both *Authoritative*, becauſe operatively confirming.

But to the clear diſtinction of the *Synodical* Authority in this Council from the *Imperial*, it is to be noted, that the 28*th* Canon, among other things determines the Ordination of Biſhops among the *Barbarous Nations*, ſuch as (ſaith the excellent Dr. *Beveridge*) were without the *Roman* Empire; *viz.* the *Alans*, *Ruſſians*, and others, ſay *Balſamon* and *Zonaras*, in which the Emperor, or his *Seculars*, could have

have no Authority, and conſequently the *Propoſal*, *Deliberation*, and *final Determination* hereof muſt belong to the *Synod alone* excluſively of the Imperial Authority (to the utter Ruin of the *Doctor*'s 2*d*, 4*th*, 5*th*, 6*th*, 7*th*, and 8*th* Aphoriſms) upon a Canonical and Cuſtomary dependence of thoſe *interbarbarous* Churches of the Dioceſes of *Thrace* and *Pontus* (47) by vertue of ſome Eccleſiaſtical Contract, or Obligation forepaſt. The *Greek Church* in Complement to their *Eaſtern* Emperor, (whom they had ſweetned with the deſign) but more ſecretly to ſecure themſelves in an Independency on the Pope, whoſe aſſuming growth toward too great a Supremacy (improved by their *References* made to him of neceſſity againſt *Imperial Oppreſſions*) began to look ſuſpicious and terrible; renewed, and improved the 3*d* Canon of the 2*d* Council, which was at preſent almoſt *dormant*. This the Pope ſmelt out long before, and therefore forewarns *his Legates* to keep up *his Primacy* above, and over the *Conſtantinopolitan See*. The Council, probably knowing nothing of the Pope's *Precautions*, had invited the *Legates* preſent at the 15*th* Action, in which the Canons were paſt, and particularly the 28*th*, for the parity of Priviledges between the *Roman* and *Conſtantinopolitan Sees*, hoping to gain them alſo unawares to a Concurrence. But the *Legates* cunningly refuſe, ſaying, *that they had received no ſuch Orders*, (*viz.* from the Pope) which ſhews, that they did not eſteem their Preſence due upon *Imperial Authority*. For *Actius* Arch-Deacon of the Church at *Conſtantinople*, did not, on the behalf of that Church, object againſt the Legates the *formal invalidity* of that *Plea*, but required the manifeſtation of its truth in *Fact* by producing the Pope's Orders, if they had any, and therefore *Boniface*, one of the *Legates*, did produce an Order *to preſerve his Eminence, and oppoſe all Ambitions againſt him*, (48)

(47) *Ex* 30. *Can. Concil.* 11. *General.* χτ τλὼ κρατήσασαν σωήθειαν ἐπὶ τῆς παλέρων.—— *Concil. Chalced Synodic. ad Pap. Leon.* Part 3. Cap. 2. Τὸ γὰ ἐκ πολλᾶ κρατῆσαν ἔθος ὅπερ ἔχει ἡ Κωνσαλίνε τῆς ἁγία τᾶ Θεᾶ ἐκκλησία εἰς τὸ χειροτονεῖν μηροπολίτας τῆς διοικήσεων τῆς τε Ασιανῆς, χὰ Ποντικῆς, χὰ Θρακικῆς, ; χὰ νῦν καλὰ σωοδικὼ ἐκυρώσαμεν ψῆφον, which comprehends the Affairs alſo of the *inter-barbarous* Churches.

(48) Act 16. —τὸ ὄρον τῶν ἁγίων πατέρων μεμιᾶ προσπελέα. ἐλατῆσθαι ἢ μεῖσθαι, φυλατλέσθω τοιγαρῶν τᾶ ἡμετέρε προσώπε ἡ ἀξία πᾶσι τρόποις ἐν ὑμῖν · καὶν τινες τυχὸν πεποθότες δωρᾶμεν τῆς ἰδίων πόλεων παρασαλεῖσαι ἐπεχείρησαν, τότες ἐκβάλλεσθαι.

and

and applied it to this buſineſs, as a *Precept* againſt this Canon. The Synod therefore in the *Synodic* to the Pope acquaint him with the great Oppoſition of his *Legates*, but earneſtly ſollicit his *Conſent* and *Confirmation*, as being the head and top of them all in the ſenſe of *Precedency* and *Priority*, without inſiſting on any *Imperial Authority* to *confirm* it, only ſhewing, that it was grateful to the Emperor. Which Action ſhews, that at that time the Doctor's *2d* and *8th Aphoriſms* were not known in the Catholic Church nor this her General Council.

After diſcuſſion of the *Synodical Forms*, and *Internal Powers* and *Authorities* of the *Seſſion*, paſs we on as of courſe to the *Conſequences*, and firſt what relates to their *Diſſolution*. Of which, becauſe ſomethiug has been ſaid already ſufficiently convictive of the Impertinence of the Doctor in alledging it for his *Aphoriſm* of *Diſſolution*, leſs needs here be offered. The Doctor notes, that at the end of the *6th* Action, the Synod deſires an ἀπόλυσις, a *Diſſolution* or *Diſmiſſion*. To this the Emperor return'd, *that they ſhould* * *tarry three or four days, and move what ever they would*, and then adds; *ſee that none of you depart from the Holy Synod, before all things be fully compleated.* But here firſt it is to be noted, that though they deſired the Emperor to *diſſolve* or *diſmiſs* them, yet not ſo preciſely at that point, as to make the Emperor's anſwer a denial of their Requeſt. No doubt they deſired not to depart before all things had received thier τελείας τύπους, their compleat Definitions, and *they*, as well as the *Emperor*, knew, that three or four days was as little time as poſſible for the final diſpatch, and ſo few days were allowed in favour to the Synod, and the Catholic Church, and upon that ground he forbids, or denies, that any one particular Biſhop ſhould have leave to depart from the Synod, while ſitting. Moreover the different forms of ſpeaking to the *whole Synod*, and prohibiting the departure of a *ſingle Biſhop* are to be noted. To the Synod ſays he, *You have been much fatigued; Tarry three or four days longer till all is finiſhed, and propoſe what you will, you ſhall have all Encouragement*, which is a form of *kind Intreaty*, not *Authoritative Injunction*; *but while the Synod does ſit no one ſhall depart*, which is of form *Reſtrictive* and *Compulſory*. So that the utmoſt, that can be concluded from *this Preſident* is, that a Chriſtian Prince may deſire an whole Synod to ſtay till they have finiſhed all, and reſtrain any particular Biſhop from going away from

* *He deſired that they would*, &c.

from the Synod, while ſitting. But firſt it does not preſcribe for a *Power Imperial* to detain an whole Synod, eſpecially after all buſineſs is done, till the Emperor pleaſe to give his *Licenſe*. This very Council declared, *If their Definition upon the Faith would not ſatisfie they would be gone*, (49) even before all was done, which, upon any the leaſt *Interruption* or *Impoſition* in their Procedures, they ſuppoſed they had right to do; much more when all was compleated. And their deſire of *diſmiſſion* after buſineſs was finiſhed was a Petition of *Right*, not *Grace* from the Emperor; which, if denied, they might have taken themſelves, as it is ſaid they did at *Ariminum*; ſo that after all is done, they were not bound to wait for a Licenſe, which yet it may ſometimes be prudent in Synods to deſire.

(49) Act 5.

From the *Diſſolution* of the Synod paſs we to the *Imperial Poſtfacts* upon *this*, and the 2*d* Council of E*pheſus*. And firſt we begin with that of *Confirmation*. And herein we are to conſider the truth of the Doctor's *General Aſſertion*, *that the four firſt General Councils deſired of the* Emperors *a* Ratification *of what they had determined, and that the* Emperors *did all grant it*; (50) for proof of which in this at *Chalcedon* he Marginally refers to Part 3. Cap. 4. But all this is abſolutely falſe with reſpect to the *Canons* made by theſe Councils; though to theſe the Doctor makes ſuch *Ratifying Confirmations* moſt neceſſary, *ſo as without them Canons are an Uſurpation of Authority, and an Affectation of Men's Civil Intereſts.* But to come into our particular Method, we will examine Matters of *Fact* in this Council; and firſt concerning the Faith, what *Confirmation* it had from the Emperor, or his Commiſſioners, *in*, or *after* the Council. In the *6th* Action therefore the Emperor was preſent himſelf, and that, as Dr. *Wake* ſays, *both to confirm what the Fathers had determined, and to ſettle by their Judgment the Faith of the Church to after Ages. And he approved their Determination, and added a farther Sanction to it, to puniſh all Private Perſons, Military Officers, and Clergy-Men, that ſhould raiſe diſturbances againſt it.* But firſt of all as to their Definition of Faith, the Synod in the *5th* Action aſſerted *its own complete Canonical Validity*, and would not add, nor alter at the Emperor's Admonition. So whatſoever *Confirmation* you will ſuppoſe, it cannot be a *ſimple* and *conſtituent Ratification*, but only a *conſequent Corroboration*. And ſo it appears; for it conſiſted not in a *Precept* of *Conformity* and *Profeſſion*, but only in

(50) *Auth. of Chr. Pr.* p. 80, 81.

Penalties

(51) Act 6. εἴ τις τοίνυν ἰδιώτης, ἢ στρατεία παρομιλήσας, ἢ εἰς κλῆρον τελῶν, δημοσία μὲν τῆς πίστεως ὀχλαγώγιον συναγαγών, καὶ παρρησίαν διαλέξεως, θόρυβον ἐμποιεῖ· ἴσως ὡς ὁ μὲν ἰδιώτης πύκλῳ ἐπιζημιωθήσεται τῆς βασιλικῆς ἐξελαθήσεται πόλεως· ὁ δὲ στρατιώμενος μὲν τῆς ἑαυτοῦ στρατείας, καὶ ὁ κληρικὸς μὲν τοῦ ἰδίου βαθμοῦ κινδυνεύσει, καὶ ἑτέραις ὑποβληθήσεται τιμωρίαις, Πάντες ἐβόησαν, πολλὰ τὰ ἔτη τῷ βασιλέως, &c.

Penalties upon *Diſturbers*; (51) and this upon a preſumed conſent of the Synod, and aſſurance of the *Synodical Validity* of their *Definition*, for he firſt of all diſcovered it to the Council, to try their ſenſe of it, which they received with their *Acclamations*; nor can we think he would have proceeded to any farther Promulgation, had it been diſcountenanced by the Council. Beſide the Private Man's Puniſhment only drove him out of *Conſtantinople*, that he might not frequent any *Eutychian* Conventicle *There*; but he was not hereby reſtrained from ſuch Conventicles elſewhere. The Military Man was to be diſcharged, but without the Sword he might ſtill Conventicle. The Clergy-Man was under a double Cenſure, one of *Degradation* by *Canonical Powers*, and other *Penalties* from the *Imperial*. And ſo the whole deſigned *Edict* was but a form, or plan of *Secular Corroboration* conſequent upon the *internal validity* of the defined Faith upon the *Synodical Conſtitution*; by *which* the whole Church was obliged to *conform*, as by the *Imperial Edict* they were forbidden under Penalties to hold Conventicles againſt it, in ſuch Places and Capacities. Nay the Doctor himſelf, (though teſt, and dark in his Expreſſion, to avoid the Light) in a manner confeſſes the ſame, in ſaying, *that the Emperor was preſent to ſettle the Faith of the Church by the Judgment of the Synod, which he often calls* Definition, *and* Deciſion; which therefore is not merely of *Advice*, *Opinion* or *Counſel*, but *Authoritative*, and *Efficatious* to Settlement. This then was all that the Emperor did in the Council toward the *Corroboration* of the Definition in Faith. Next we are to conſider what followed *in* or *upon* the Concluſion. After then the cloſing up of all upon the 28*th* Canon, the Synod having ſet forth the fraud of thoſe, who under pretence, that nothing ought to be added to the *Nicene* and *Conſtantinopolitan* Creeds, did reproach Pope *Leo*'s Epiſtle againſt *Eutyches*, as guilty of new Additions, they deſire the Emperor *to confirm that Doctrine of the* Appoſtolical Chair *to* his Synod, *by repreſſing wicked Men's Attempts, and promoting*

moting a Conformity among Men, (52) and to take care to bring the Determination of the Synod to *effect* by his *Imperial* Interpoſition and Conduct; I ſay to *effect* by a *Corroborating* Conduct, but not unto *Efficacy*, *Vertue*, or *Validity* by any *conſtituent Ratification*. And herein the Synod propoſes no Forms to the Emperor, but leaves them to his Diſcretion. Now in the ſecond place we are to ſee what the Emperor did hereupon. That *Edict* then, which he had propoſed to the Council in the *6th* Action, he now effectually reinforc'd, and call'd it a *Confirmation* of the Synod; and this after ſome Dialectical Oppoſitions had been offered againſt the diſmiſſed Council. And after that again he ſends another Edict to *Palladius* for the *Confirmation* of the Synodical Determinations againſt *Eutyches*; (54) which therefore muſt be *Conſecutive*, not *Conſtitutive* of the *Synodical Validity*. For the very Emperor look'd upon the Synodical Cenſure of *Eutyches* as truly *Divine* as the Determination of the Right Faith, (56) on which that Cenſure was grounded. And therefore well did *Valentinus* Biſhop of *Philippopolis* declare, that *not Man, but* Chriſt *was the* Prince *of this Council*. (57) Nay *Marcian* the Emperor himſelf confeſſes, that *the Council did confirm the Faith, by the Authority of the Pope conſenting to and joyning by his Legates in the Synodical Determination*. Nay the Synod it ſelf aſſerts the Determination to be the Dictate of the Holy Ghoſt. (59) So Pope *Leo*; (60) So *Valentinus* of *Philippopolis*; (61) So Biſhop *Sebaſtian* (62) and *Theotimus* Biſhop of *Scythia*; (63) conſent in the ſame Sentiment.

(52) *Epiſt. Synodic. ad Marc.* Part 3. c. 1.

(53) Part. 3. cap. 3, 4. ἱερῶν ἡμετέρας ἡμερότητος διατάγμασι τὴν ἁγίαν ΒΕΒΑΙΩΣΑΝΤΕΣ συνόδον, ὑπεμνήσαμεν ἅπαντας, ὥστε πᾶσι τοῖς τῆς θρησκείας παύσασθαι διαλέξεων, &c. *Vid.* Ep. *Syn. Myr. ad Leon. Imy.* Part. 3. c. 44.

(54) Part 3. cap. 12.

(55) Ibid. ὅθεν ταῖς ἀϊδίοις οὗτος θεῷ τε καταδικασθεὶς καὶ ἀνθρώποις, ὅσην συνοδικὴν, ὡς εἰκὸς, ἀπενέγκασθο, &c.

(56) Part 3. cap. 4. ἔχ' ἕως καὶ δεύτερος εὑρεῖν οἷός τε ἦν τὸ τοσοῦτον μυστήριον, ὁπότε μᾶλλον σὺν καιρῷ μείζω, καὶ μεγάλας εὐχὰς τοσοῦτοι ἅγιοι ἱερεῖς, εἰ μὴ Θεὸς, καθάπερ πιστευτέον ἐστὶν, ἤγκυψε, φθάσαι πρὸς τὴν τῆς ἀληθείας ἀνίχνευσιν ἐκ ἂν ἠδυνήθησαν.

(57) Epiſt. ad Leon. Imp. Part 3. cap. 29.

(58) Part 3. cap. 11. ἥτις (*i. e.* Synodus) ἐν ὅσῳ τὰ κατὰ τὴν πίστιν ἐπιμελῶς ἐζήτει, διὰ τὴν αὐθεντίαν τοῦ μακαριωτάτου λέοντος καὶ τὴν θρησκείας κυρίᾳ τὰ θεμέλια.

(59) Act 5. (60) *Epiſt. ad Leon. Imp.* Part. 3. cap 25. (61) *Ad Eund. Imp.* Part 3. cap. 29. (62) Ibid. cap. 30. (63) *Ad Eund Imp.* Ibid cap. 31.

And the greateſt *Confirmation* of the Emperor in the ſenſe of the *Synod* was, that he had called the *Synod*, by which it was confirmed, (64) and to which it is principally attributed; (65) becauſe to it alone belonged the Internal Power and Authority of a *Canonical* and *Conſtituent Ratification.*

(64) Act 6. *Inter Acclam.* τῲ ὀρθοδόξιαν σὺ ἐβεβαίωσας.

(65) *Epiſc. Meſop. ad Imp. Leon.* Part. 3. c. 36. *Epiſc. Phœnic. ad Eund. Part.* 3. c. 38. *vide & omnino Liberat. Breviar.* c. 13.

Having thus ended with the Definition of this Council in the matter of Faith, proceed we next to the *Canons* in which we find no *Imperial Ratification* of *Marcian*, or his *Seculars*; either *in*, or *after* the Council, after whoſe *Diſſolution* indeed there could be no *Ratification*, except we ſuppoſe all *null* after the *Diſſolution*, till ſuch *ſuppoſed Ratification* follows, which never did upon theſe Canons. In the 28*th* Canon the Council arrogates the *Ratification* to themſelves. And though the *Seculars*, at the Inſtance of the Popes *Legates*, diſcuſſed the Proceedings in the making that Canon, yet they alſo aſcribe the *Eſtabliſhment* (66) thereof to the *Synod alone* diſtinctively and excluſively of themſelves. And as to all the reſt of the Canons the *Synod* acted by forms of *Authoritative Conſtitution* (67) as it profeſſes moſt avowedly alſo in the *Synodic* to Pope *Leo.* (68)

(66) Act 16. οἱ ἐνδοξότατοι ἄρχοντες ἔφον, ὅσα διελαλήσαμεν, πάντα ἡ συνοδος ἐκύρωσε.

(67) Can. 1. ἐκτεθέντας κανόνας κρατεῖν ἐδικαιώσαμεν. Can. 3. ἔδοξεν ἡ ἁγία συνοδος. Can. 4. ἔδοξε, &c.

(68) Vid. part 3. c. 2.

Thirdly, As in the *Canons*, ſo in the *Judgments* alſo we find no *Imperial Ratifications*, for they were valid of themſelves. And ſuch, as needed no joynt Suffrage of the *Seculars* in order to *Effect* and *Peaceable Execution*, were finally determined by the *Synod* alone, as the Cenſure of *Dioſcorus.* (69) The Indulgence to the ten *Ægyptian* Biſhops was with mutual Conſent of the *Seculars* and *Synod*; (70) In the Caſe of *Charoſius*, *Dorotheus*, and the other *Eutychian Archimandrites*, the *Seculars* would have asked of the Synod two or three days reſpite for them, but they refuſing that kind Mediation, the *Seculars* told them, that *the Synod ſhould paſs their Judgment upon them.* (71) Upon this the

(69) Act 4.

(70) Act 4.

(71) Act 4. παρὰ τὴν ἁγίας συνόδου τύπος δοθῆναι.

the Synod, in respect to the Intercession of the *Seculars*, gave them 30 days respite for Recantation, and in default of *That* Decree their *Canonical Censure*, and in case of Contumacy they engage the exterior Authority in concurrent succour to their Sentence *, and in this that Cause ended. (72) In the Case of *Photius* and *Eustathius*, about the Cities subject to their Metropolitical Jurisdiction, the *Seculars* examine, the *Synod* declares and asserts the *Canonical Right*, even contrary to the *Pragmatics*; The *Seculars* hereupon declare that *Photius* shall have his Canonical Right, and *Eustathius* only the Rights of a common Bishop; and ask, *if the Synod would consent to it*, which they did. In which *mixt Interest* of *Canonical Right* and *Civil Peace* both Powers joyned to an effectual Judgment. But when the next Question, proposed by the *Seculars*, was concerning those Bishops which *Eustathius* had deposed, and degraded to *Presbyters*, the *Synod alone* was judge in that purely Canonical Point, even by the Declaration of the *Seculars*; (73) and the *Synod* condemning the *nullity* of those *Eustathian Censures*, restored the *Degraded* to their *Order* and *Sees*, which reverse of that *Eustathian Procedure* was by the *Seculars* decreed to be [effectually] firm for ever. (74)

* τὸ ἔξωθεν αὐθεντίας συνεπισχύσης τῷ τύπῳ, &c. (72) *Actio de* Charoso, *&c.*

(73) *Act de* Phot. *&* Eust.——

* Ἄρχοντες εἶπον, τὰ μὲν τέτε τελείως ὑπορίζεσθαι ϗ τύποις τ ἁγίας συνόδε. (74) Τὰ ἀρέσαντα τῇ ἁγίᾳ συνόδῳ εἰς τὸν ἅπαντα χρόνον βέβαια φυλατέσθω.

In the 7*th* Action the Case agreed upon between *Maximus* of *Antioch* and *Juvenal* of *Jerusalem*, being of a *mixt Nature*, and needing a *Synodical Determination* for *Right*, and a *Civil Sanction* for *peaceable enjoyment* of it, was joyntly concluded by the *Sentence* of the *Seculars*, and *Vote* of the *Synod*.

In the 8*th* Action the *Seculars* recommend, and the *Synod* decrees *Theodoret*'s Restitution.

In the 10*th* Action upon *Ibas*, the *Synod alone* absolved him upon the Question put them by the *Seculars*, after a full Examination. Upon which the *Seculars* consequently resolve, *that the Sentence of the Synod should have its*

(75) Οἱ μεγαλοπρεπέσταοι ἄρχοντες εἶπον, τὰ δικαιώματα τῆς ἁγίας συνόδου τῶν ἰδίαν ἰσχὺν ἐχέτω.

own force, (75) *i. e.* ſhould meet with no Violence or Obſtruction, but ſhould take place in Peace.

In the 12*th* Action between *Baſſian* and *Stephen*, about the See of *Epheſus*, the *Seculars* and *Synod* both debate, and at length the *Synod* decres the *Right*, and the *Seculars* engage for *Execution*.

In the 13*th* Action between *Eunomius* and *Anaſtaſius* about their *Metropolitan Juriſdiction* in *Bithynia*, the *Synod* adiudged it to *Eunomius* of *Nicomedia*, and the *Seculars* engage for the Enjoyment accordingly.

(76) Τῶν ἀκόσασα ἡ ἁγία συνόδος λεγέτω, εἰ τοῖς τυπωθεῖσιν ἐπιψηφίζεται, ἢ πι ἕτερον τυποῖ. (77) Τὰ παρ' ἡμῶν μὲν δοκιμασθέντα, τυπωθέντα δὲ τῆς ἁγίας συνόδου, βέβαια μενέτω.

In the 14*th* Action between *Sabinian* and *Athanaſius* about the Biſhopric of *Phares* or *Perrha*, the *Seculars* pronounce their Decree before the *Synod*, and then ask, *if the Synod gives Suffrage, or Decrees any thing elſe?* (76) And the *Synod* approving that Sentence of the *Seculars*, the *Seculars* conclude thus; (77) *Thoſe things which have been tried or approved by* Us, *and eſtabliſhed by the* Holy Synod, *ſhall remain* firm, that is, *in their own force*; *which they had from the* τύπωσις *or* eſtabliſhment *of the Synod*.

From all which it appears, that the Synod had a Sacred Right of judging in all theſe Cauſes upon the account of the Canonical Matters, which, when *pure and unmixed* with Secular Intereſts, the Synod determined alone; but upon the *mixture*, the *Seculars* alſo judged to a *Civil Security* of what the the *Synod* judged to be *Canonical Right*. —— *alterius ſic altera poſcit opem Res, & conjurat amicè.* But by theſe Inſtances the Doctor's eighth *Aphoriſm* is utterly deſtroyed.

Thus then we have ſeen what the Lay-Powers did for the Council by way of *Secondary Corroboration*. In the next place

place let us see what the Council has done in *confirmation* of the *Emperor's* Proposals; because here was a peculiar Provision offered by *Marcian*, of which there never was any former *Precedent*, and it is especially taken notice of by the Doctor as an evidence of his extraordinary *Presidence* and *Supremacy*. I could have wished, that the Doctor had set it forth fully as it lay before him; it would at the same time have proved his Integrity, and saved me some labour. But as it now stands, I will first set down the Doctor's account, and then the more perfect account of the Council. The Doctor then tells us, *That the Emperor delivered to the Fathers three Ecclesiastical Constitutions, ready drawn up, to be approved of by them, and all gave their unanimous consent to them.* (78) Which is so set off, as if he had already constituted, and they were of duty presently to conform, as particular Persons were to the Determinations of Synods; that so all the Authority might seem to be the Emperor's and the Duty and Conformity theirs. Whereas in truth the Emperor preferred their Authority herein before his own, as will appear from his very Words; *There are*, saith he, *some Heads which we have reserved to the honour of your Reference, esteeming it convenient, that these things should be Canonically decreed in Synod, rather than be established by our Laws*; whereby he shews, that the *Authority* of *Canonical Constitutions* was in the *Synod alone*, and the same *final* and *self-subsistent* without any *Imperial* or *Legal Confirmation*; for that, as *Marcian* judged a *Synodical Constitution* more proper and becoming his Deference to the Fathers; so he hereupon waved his own *legal Forms* of *Establishment*, as not only *needless*, but *less proper*. This will yet farther appear from the 2*d* of these Heads or Constitutions, which the Emperor formed, not in *his own* Name, but the Name of the Synod, (79) because to stand upon its Canonical Authority, by which alone these Chapters were Confirmed, and became not *Imperial*, but *Ecclesiastical* Constitutions.

(78) *Auth. of Chr. Pr.* P. 65.

(79) Act 6. Capit. 2. ἔδοξε τῇ ἁγίᾳ ταύτῃ καὶ μεγάλῃ συνόδῳ, &c.

Having thus ended all that seems necessary to expedite this Point of the *Confirming Power*, we in the next place proceed to the *rescinding* or *annulling* Instances in the Acts of this Council, in which the Doctor produces one, *viz.* that *Marcian*

Marcian revok'd both the *Definition* of the 2*d* Council of *Epheſus* againſt *Flavian*, and the *Conſtitution* of *Theodoſius* againſt him, which *Theodoſius* could not be prevailed upon to do, notwithſtanding the Applications of Pope *Leo* and his Imperial Mediators, which were acknowledgments of ſuch *reſcinding Authority*. (80) To the right underſtanding whereof it is neceſſary to remember what *Reſciſſion* and *Annullation* properly is, namely an *extinction* of all that *obligatory Vertue* and *Validity*, which before ſtood *firm*. For the removing of all *ill Practices* or *Effects* conſequent upon *null Orders* is not *proper Reſciſſion* or *Annullation*, no; nor is ſo a *Revocation* of *null Orders* it ſelf. Whatſoever therefore *Marcian* only *revoked*, that he did not thereby properly *reſcind*, or *annul*, if it were in it ſelf before *null*, as certainly the *Epheſine* Determination upon *Flavian* was. But ſecondly *Marcian* did not revoke the pretended *Epheſine* Sentence, but only *Theodoſius* his *Edict* againſt him, *&c.* For the clearer view whereof let us look over the 10*th* Action of the *Chalcedon* Council. In which, after many Acts of particular Synods, and Proceſſes, in the Caſe of *Ibas*, had been read; the *Lay-Powers* ordered the Acts of the *Epheſine* Council to be read. This the Pope's *Legats* all oppoſe by *Paſchaſinus*, it *being an abominable Convention and declared for null by Pope* Leo. Which as it ſhews, that all methods of Procedure were not in the Power of the *Imperial Commiſſioners*, ſo does it that the *Epheſine* Council was reputed *null* by the Pope, as it was alſo by his great Synod of the *Weſterns* at *Rome*, and indeed by all Catholics. The *Legates* alſo propoſe an Addreſs to the Emperor, *That he would order by a particular Imperial Law, that no mention ſhould be made of that Synod, nothing in it being to be admitted, but the Ordination of* Maximus *at* Antioch in the *room of* Domnus, who either was dead or had reſigned. Hereto alſo accorded the Senſe and Suffrage of *Anatolius*: But *Dioſcorus*'s Partiſans refer all to the Emperor's pleaſure, to reingratiate themſelves at Court. Others follow the Judgment of the *Legates* and *Anatolius*; *Eunomius* of *Nicomedia*, refers all to the Council; and ſo by the General Reſolution the Order of the *Seculars* was overruled, and the *Epheſine* Acts were not read. After therefore the end of the Council the Emperor *Marcian* revokes, and removes, takes away and expunges that *Edict* of *Theodoſius* againſt the Memory

(80) *Auth. of Chr. Pr.* p. 88, 89.

mory of *Flavian*, and the Perſons of *Theodoret* and *Euſebius*; (81) who being *acquited*, or rather *commended for their Faith by the Council, could not be condemned by an Imperial Edict*. So that he only deſtroys the *Chirographum* form out of the Records, not *reſcinding* thereby its *real validity*, but not upon a confeſſed *Recognition*, not only of its *Injuſtice* but *Invalidity*, eſpecially after the acquital of theſe Biſhops by the *Chalcedon* Council. So that if that *Edict*, had before any *Legal Validity*, the Council of *Chalcedon reſcinded* it in acquiting the proſcribed from the guilt unjuſtly charged on them, and the Emperor *Marcian* only raſed it out of the Records, either as *originally invalid*, or as *invalidated* by this Council. But it was altogether a miſtake in the Doctor to ſay, that Marcian *revoked the Definition of the* Epheſine *Synod*, for he did not ſo; this was done only by the Council of *Chalcedon*, not thereby *reſcinding* or *annulling* it *effectively*, but upon its notorious *antecedent nullity*, as appears by this Councils refuſing to read its Acts, or to own its Name among the Councils, ſeconding herein Pope *Leo*'s Council at *Rome*, which did not annul it but *pronounce* it *null* in it ſelf. What was it then that Pope *Leo* and his Imperial Mediators deſired of *Theodoſius* upon an acknowledged Authority? Was it to *annul* or *reſcind* any *Vertue* or *Validity* of what had been done by any Council? Nothing of this appears. the Pope and his Synod only deſire of him, *that all things may remain inviolate as they were before any Judgment had paſt*; (82) that is, as to their Temporal State, leaving the *validity* of the Judgments paſt to the Judgment of a greater Synod. In his Epiſtle to *Pulcheria* the Empreſs the Pope only deſires a *ſuſpention* of Complaints and Prejudices [at Court] on both ſides, till his hoped Council in *Italy* ſhould determine the Cauſe. The Mediatory Epiſtles of *Valentinian*, *Galla Placidia*, and *Licinia*

(81) Concil. Chalced. p. 3. c. 11. Ἀπαλειφέσθω τὰ τῆ διατάξεως ἐκείνης, ἥτις καθ' ἁρπαγῆς τῶν μυσαρῶν —— τεθεῖσα γινώσκεται· καὶ καθόλε χολαζέτω τὰ ἐξ ἀδικίας τῷ ἀρχῷ ἐγκλήτα· ἥτε ἄδικος ἀπόφασις μηδὲν βλαπτέτω μήτε Ευσέβιον μήτε Θεοδώρητον· ἃς καὶ ὁ θεῖος ὁ αὐτὸς (Theodoſianus) ἀθῴους ἔχει· ἐπειδήπερ καὶ δωάνται ἐκ διατάξεως ἐπίσκοποι καλακείνεσθαι, ὃς ἐπὶ τῆ φυλακῆ τῆ τῆ πίςεως σωσδικὴ ψήφῳ ἐκόσμησεν, &c.

(82) Epiſt. *Leon.* & Synod. Part 3. c. 19. *Leo* c. 20.

nia Eudoxia, have no thing relation toward a Power *reſciſſive* of Acts Concilar; only *Licinia* deſires her Father *Theodoſius* his *permiſſion*, that *the Diſorders might be healed, and that he would command the things ill done to be righted, until, all things already determined being* revoked, (83) *the Cauſe might be new tried in a Council of* Italy. Now what thoſe *all things to be recalled* were, and by what form of *Revocation*, is not very certain. If only the *Imperial* τύποι, or *Sanctions*, then no doubt he might revoke them entirely; if the Concilar Definitions, it does not appear that *Licinia* for the Pope deſired the Emperor alone to revoke them; only that they might be revoked till the Determination of the Council of *Italy*; but *how*, or *by whom* ſhe declares not. It might be done by conſent of all the *Patriarchs* and *their Synods*, with conſent of the Complainants, before the *Italian* Council, and this either as to the *effect* only, or even as to the *efficacy* of the *Definitions*; or it might be done by that expected Council at its firſt opening; but here is nothing that aſſerts to the Emperor a *right Imperial* of revoking either the *Canonical Effects*, or *Efficacies* of Conciliar Decrees, and much leſs of *Reſciſſion* at the very Root. For *Marcian* declares it not in the *Power Imperial* to *reſcind* the Conciliar acquital of Biſhops, nor to keep them under an Imperial Sentence, that are *Conciliarly* diſcharged. And there is the ſame reaſon for the like Rule in Synodical Cenſures, as for Abſolutions.

(83) Part 3. c. 27. Ἄχεις ἐ πάνλων τ ἤδη τετυπωμϐίων ἀναχληθένλων, &c.

And

And now one would have thought that this Council, so large, so calm, so free, and wise, should have put an end to all Doubts, and Discords under the Conduct of so good an Emperour, and such Excellent and Noble Commissioners; but we find that what the *Doctor* thinks *Confirms*, did indeed *Destroy* the *Effects* of this so Excellent Synod. The Hereticks had of Old begun Applications to Court; and the Catholicks, while they had Enemy Princes, applyed to the *Judgment* and *Mediation* of the Pope; the Pope hereupon takes himself for *Apostolical Arbiter* of the whole Church, and gains a Popular Opinion that he was so; which also insinuated into even Emperours. Upon *This*, and the improved Superstitions toward S. *Peter*, he was always tampering with *Emperours*, *Empresses*, *Sons*, *Daughters*, *Favourites*, to compass their Interests to his aims; and at this time his Legates acted in his, and S. *Peter*'s Name in the Condemnation of *Dioscorus*, always acting in a separate and superiour Sphere; *expecting that the Synod of Course must follow them.* (84.) Against this growing and encroaching Elevation the *Eastern* Church were willing to provide, by setting up a Patriarch of their own, equal to the Pope, and that in the *Imperial City*, alledging that Dignity of *Old Rome* to be the Ground of his *Primacy*; this cut down the *Pretence Apostolical* from S. *Peter*, and could by no means procure the Admission of the *Roman See*, which moved all Powers *Imperial* and *Ecclesiastical*, against this Canon, and the *C. P*'s, for a long time; and indeed at all Opportunities, which finally determined in the *Schism* of the Greek and Latin Churches, and the Ruin of the Greek Church and Empire. And as to the Doctrines, so well Established, as one should have thought, by this Council, yet, because it craved the *Secular Support* against its Adversaries. The Adversaries, as soon as *Marcian* was Dead, shewed themselves greater and more industrious Masters in these *Secular Applications*, and had almost shock'd the Emperour *Leo*, who to satisfy his Doubts had Thoughts of calling another General Council, but being happily diffuaded from that mischievous Counsel, he betook himself to a much better way than any Prince ever did

An. Chr. 451.

(84.) *Act.* 3. *vers. fin.* ὁ ἁγιώτατος —— Λέων δὲ ἡμῶν, καὶ ἡ παρέσης ἁγιωτάτης συνόδου, μετὰ τοῦ —Πέτρου τοῦ Ἀποστόλου, ὃς ὅτι πέτρα καὶ κρηπὶς τῆς καθολικῆς ἐκκλησίας· καὶ τῇ ὀρθοδόξῳ πίστει ὁ θεμέλιος, ἐγύμνωσεν αὐτὸν (*Dioscorum*) τοῦ τοῦ ἐπισκόπου, καὶ πάσης ἱερατικῆς ἀκολουθίας ἀναξίας. τοιγαροῦν ἡ ἁγιωτάτη αὕτη καὶ μεγάλη σύνοδος τὰ δόξαντα πᾶσι κανόσιν ἐπὶ τοῦ μνημονευθέντος Διοσκόρου ψηφίσεται.

An. Chr. 451.

did before him, to Write to the ſeveral Provinces, and their Synods ſeparately, concerning the Faith defined at *Chalcedon*, and the State of the Church of *Alexandria*; from all whom he received one uniform and truly Catholick Senſe, more ſatisfactory than that of any General Councils, becauſe in theſe there may be Influences, and Confederacies to make them ſpeak the ſame thing, though falſe; whereas there could be no ſuch corruption in the uniform Senſe of ſo many Provincial Synods, acting ſeparately, and freely, without any ſuſpicion of fraud, or force. And had *Conſtantine*, and all the reſt, that imitated him in calling General Councils, uſed this Method, which the Emperour *Leo* uſed in conſulting the Provincial Synods of the Catholick Church ſeparately, which from the beginning by their unſuſpectable uniformity preſerved the Catholick Unity, or however, if they had not uſed too much *Secular Force* to the pretended Defence (but real weakning) of Synodical Authority, the Church had never fallen into thoſe Seditions, and Proſecutions, Confuſions, and Ruins, which it hath ſuſtained ever ſince. And he that reads the 3d Part of this Council, and *Liberatus* his *Breviary* on it only, will, if unprejudiced be (I believe) of my Mind, that Civil Engagements beyond their Lines have been the utter Ruin of the Churches *Powers*, *Peace*, *Faith*, and *Unity*.

Under this Duumvirate.

Council called by the Emperours.		*Council not called by the* Emperours.	
Council of *Chalcedon.*	*An.* 451.	Council of *Conſtantinople* under *Anatolius.*	*An.* 450.

Councils

Councils not called by the Emperours Val. *and* Marc.

1. Council of St. *Patrick* in *Ireland.* *An.* 450.
2. of St. *Patrick.* .....
of *Milan.* *An.* 451.
of *Jeruſal.* under *Juvenal*, after the *Chalcedon* Council. ....
of *Alexandria* under *Proterius.* *An.* 451.
2. of *Arles.* 452.
of *Angers.* 453.
3. of *Arles.* 455.

Councils called at the Conſultation of the Emperour *Leo.*

C. of *European* Biſhops. *An.* 457.
of *Philippopolis.* *Eod.*
of *Mæſia ſecunda.* *Eod.*
of *Syria prima.* *Eod.*
of *Syria ſecunda.* *Eod.*
of *Oſroene.* *Eod.*
of *Meſopotamia.* *Eod.*
of *Phœnicia maritima.* *Eod.*
of *Phœnicia ſecunda.* *Eod.*
of *Iſauria.* *Eod.*
of *Cilicia prima.* *Eod.*
of *Piſidia.* *Eod.*
of *Sardis* in *Lydia.* *Eod.*
of *Pamphylia.* *Eod.*
of *Myra.* *Eod.*
of *Cizicum.* *Eod.*
of *Armenia prima.* *Eod.*
of *Armenia ſecunda.* *Eod.*

Council not called by the Emperour Leo *and* Majorianus.

C. of the *Egyptian* Dioceſe againſt *Timotheus Ælurus.* *An.* 457.

Councils called, &c.

C. of *Cappadocia prima.* *Eod.*
of *Cappadocia ſecunda.* *Eod.*
of the Province of *Pontus.* *Eod.*
of the Prov. of the *Helleſpont.* *Eod.*
of *Paphlagonia.* *An.* 457.
of *Dardania.* *Eod.*
of *Corinth.* *Eod.*
of *Galatia prima.* *Eod.*
of Old *Epire.* *Eod.*
of New *Epire.* *Eod.*
of *Crete.* *Eod.*
of *Conſtantinople* under *Gennadius.* *An.* 459.

Severus *Imp.*

Councils not called by Severus.

1. C. of *Tours.* *An.* 461.
of *Vennes.* *An.* 465.

Note that at this time the Galick Councils *met at their own pleaſure, or occaſion.* Epiſt. Synod. Venet.

Council of *Rome,* under Pope *Hilarius.* *An.* 465.

Glycerius *Imp.* *Several C-s.* Simplicius P.

Council not called by Glycerius.

C. of *Vienne* *An.* 474.

Zeno

Councils not called by Zeno.

C. at *Antioch* for the Election of *Calendion.*
C. of *Alexandria* for the Election of *John Talaia.*
C. of *Conſtantinople* under *Acacius*, againſt *Peter* the *Fuller*. *An.* 483.

XXXVI. *Of the Council of* Sidon, *An.* 512.

THIS was convened by the Emperour *Anaſtaſius* the Patron of the *Acephali*, or the new upſtart *Eutychians* againſt the Council of *Chalcedon*, which theſe *Sidonians* Condemned at the pleaſure of the Emperour. Thoſe few Biſhops, who oppoſed it, were Miſerably Perſecuted by *Anaſtaſius* the Emperour, and great diſturbances and ſlaughters followed. This made the Catholicks encline to the Weſtern Church, and its Patriarch the Pope, (who was much better uſed by his *Gothiſh*, and *Arian* King *Theodorick*) and to hate their Emperour. And upon the Senſe of this *Vitalian* the *Scythian*, Maſter of his Horſe, made an Inſurrection with *Scythian* Force againſt him, and came waſting the Empire even almoſt to *Conſtantinople*, on pretence to reſtore the Catholick Faith, and *Macedonius* to the See of *Conſtantinople*. Hereupon he was obliged to pacify the *Scythian* by ſwearing to reſtore *Macedonius*, and *Flavian*, to their Biſhopricks, and to call a Council at *Heraclea*, and the Pope to it. *Hormiſdas* was then Pope, and *Theodorick* King of *Italy*. Upon this *Anaſtaſius*, who had ſtood out againſt two Popes, *Gelaſius*, and *Symmachus*, and play'd the Tyrant upon the Catholicks, now lowers, and writes kindly to his *Holineſs* to come to the Council which he ſhould call, and be *Mediator* of the Differences. (1.) The Pope, that was a moſt excellent

(1.) *Epiſt. Imp. Anaſt. poſt.* 1ma. *Politician, Hormiſd.*

An Chr. 512.

Politician, and Master at Dissimulation, knowing his Majesty's Grievances, and his own Advantages, Compliments the Emperour as Hipocritically as he himself had been Complimented by him; but before he would satisfy him in the Business of the Council, he must know of the Emperour the cause of its Convention, as if he (poor Pope!) had known nothing of the Distemper. (2.) Upon which the Emperour in another Letter invites him to *Heraclea*, with what Bishops he pleased, to compose the Differences of Religion in the *Scythian* Parts. (3.) But in stead hereof the Politick Pope only sent *Legates* to pump him, and sollicit his own Ends in it (4.) in the Business of *Acacius*. This was the Matter of *Fact*, from which I draw these Observations on the behalf of the *Supremacy*. First, that Heretical and Persecuting Princes, to save their Crowns, will pretend to the Catholick Faith and Communion, and cancel their Heretical Sanctions to save their State. Secondly, that the Pope was not then believed to be under the *Ecclesiastical Supremacy* of his *Arian* King *Theodorick*, being address'd to by the Emperour as a Person free, nay, as the chiefest Person in *Italy* for *that Mediation*; to whom on that account he sends Embassadors, and invites him to *Heraclea* as a *Mediator* of his Peace, without any deference given to the King of *Italy*, either by the *Emperour* or Pope; which does not much recognize King *Theodorick*'s Supremacy. Whatsoever therefore *Theodorick* did upon P. *John*, and *Felix* the 4th, was Persecution and Tyranny, and so cannot prescribe for proper Right; and the instancing hereof by way of *Precedents* disgraces mightily and differves the *Protestant* Cause, as if it prescribed from Persecutions. Thirdly, that by this cruelty and changeableness of the Emperours, the Pope improved his Interest in the East against the Emperours, and their *Constantinopolitan* Patriarchs: For hence *John*, Bishop of *Nicopolis*, and Metropolitan of Old *Epire*, calls his Synod, joins in with the *Pope*, receives the 4. Gen. Councils against the Faith of his Emperour, Condemns the Hereticks, and *Acacius* their Partizan; by which the *Pope* in that Province gain'd his grand point in the Humiliation of that Patriarch. And *Anastasius* the Emperour so sensibly weakned himself by his Doublings and Oppressions, that his Successor *Justin* was fain to take the *other extreme*, and become a meer Votary to the *Apostolick See*, to secure his *Secular* and *Imperial Interests*, which the *Roman Pilots* well discerning, knew

(2.) *Hormisd.* Ep. 2.
(3.) 2. Epist. Imp. post. 3. *Hormisd.*
(4.) *Vide Indiculum legatis Datum.*

knew how to ſteer accordingly, and made tools of the Emperors, while their affair were dubious or involved, and lorded it over their Patriarchs and Councils at their Pleaſure, though ſometimes the Emperours, getting Strength, requited them with *Repriſals.* An. Chr. 536.

Council called by the Emperour		*Council not called by the* Emperour.	
C. of *Sidon.*	*An.* 512.	Council of *Nicopolis*, or Old *Epire.*	*An.* 516.

Juſtinus *Imp.*

Councils not called by the Emperour.

C. of *Conſtantinople.*	*An.* 518.
of *Jeruſalem.*	*Eod*
of *Tyre.*	*Eod.*
of *Conſtantinople.*	520.

Note, Theſe Councils under a Catholick Emperour renounced all that had been done againſt the Council of Chalcedon *under the Reigns of* Zeno, Baſiliſcus, *and* Anaſtaſius. *So much had* Imperial Interpoſition *made the* Faith *and* State *of their Empires to vary.*

XXXVII. *Of*

An. Chr. 536.

XXXVII. *Of the Council of* Constantinople *under* Mena, *An.* 536.

WE are now come to a Reign, that will afford us much Conciliar Matter for Observation, *viz.* that of *Justinian* I. who, while a Count, and chief Minister under the Emperour *Justin*, managed great part of the Affairs between the *Pope* and *Justin*, to the Prodigious Advancement of all the *Papal Pretensions*, the *Imperial Interest* inclining them thereunto. When afterward he succeeded *Justin* in the Empire, while *his Interests* continued to need the Pope's Authority and Countenance, he proportionably adored the *Apostolick See*, and was content the Pope should exercise what Ecclesiastical Supremacy he should please, to the content of the Catholicks, and ensurance of the Catholick Faith against *Hereticks*, against whom the Levity and Wickedness of many Emperours successively had made the Pope esteemed the only Bulwark with the Catholick Multitude. What deep reaches should occasion so great a Change, and engage these Emperours *Justin* and *Justinian* to so great *Submission* and *Compliment*, to such extraordinary transports of Devotion, could not perhaps be so easily seen in *Justin*'s Days as in *Justinian*'s. But this Man recovering all *Italy*, and *Africa*, and some other Parts out of the Hands of the Barbarians, by the means of that Catholick Interest and Unity at home, which his Devotion to the Pope had settled him in, it seems the great reach, if not of *Justin*, yet of *Justinian*, to lay these trains of Assentation and Confederacy with the Pope upon the prospects of those Atchievments, for which *Theodatus* King of *Italy*, gave a fair pretence by Murthering *Amalasuntа*, the Daughter of King *Theodorick*, who had made this *Theodatus* King in Succession to her Father. Upon this a War Commences, and the Imperial General *Belisarius* being very Victorious, and like to over-run all *Italy*, *Theodatus* being sensible that the Catholicks in *Italy* were by the *Pope*'s Alliance in the *Imperial Interest*, and his Case thence desperate, threatens by Letters the Pope and Senate, to destroy the Senate, and their Wives, and Children, if they could not prevail with *Justinian* to keep his Army out of *Italy*, which shews, that if *Justinian* was illiterate, as *Suidas* reports him, yet he had a *long Head*, and

and in it a great deal of *King-craft*. Upon theſe terrours of *Theodatus* P. *Agapetus* undertakes the Embaſſy for diverting the *Imperial Army*, whether *bona fide*, or no, God knows; but 'tis certain he prevailed not for *Theodatus*; for whoſe ſake, and all the *Senators* and *Senatreſſes*, and perhaps for all the Lives in *Rome*, *Juſtinian* would not ſtop the Courſe of his proſperous Arms. But however the *Pope* minded and accompliſhed his own Buſineſs for his See: For by his reſolutely refuſing Communion with *Anthimus* P. C. notwithſtanding the clandeſtine promiſes and threats of the Empreſs, he got a Power into his Hands of depoſing that Patriarch, and humbling that *Rival See*, into which he obtained a Power alſo to ordain *Mena*; (1.) which being ſuch an Act of *Authority*, nay *Domination*, that never any Pope had ever pretended to over any *Eaſtern See* before, Pope *Agapetus* had the good Grace to diſſemble it for a Glory and a Benefit to *Menas*, and the *Eaſtern Church*, (2.) Which Buſineſs was thus concerted. The Emperour being minded to gratify the *Catholicks*, who all depended upon the Pope's ſuccour againſt the *Hereticks*, and ſo to permit all Eccleſiaſtical Conduct to the *Pope*, *Marianus* and the Monks of *Conſtantinople*, preſent their Libels againſt *Anthimus* to the *Pope*; *Anthimus*, foreſeeing his Fall, retires, and the *Pope* degrades him, and ſends the Libels to the Emperour, that ſo his Sentence might be put in Execution effectually. (3.) This being done, the *Emperour alone* choſe *Menas*, the *Clergy* and *Laity* only following by Conſent, and the *Pope* (forſooth) ordains him, In which there were three *Uncanonical Uſurpations*; firſt that the *Pope alone* ſhould degrade *Anthimus*; 2dly, that the *Emperour alone* ſhould choſe his Succeſſor; (4.) and 3dly, that the *Pope* ſhould ordain him in prejudice to the *Metropolitan* of *Heraclea*, to whom of *Canonical* and *Accuſtomed Right* it had belonged. Upon this Conjuncture alſo the like Applications were made by *Marianus* and his Monks againſt *Severus*, *Peter* and *Zooras* to the *Pope*, that they might be Baniſhed

An. Chr. 536.

(1.) *Marian. libel. Act* 1ma. *Concil. ſub. Men. Liberat. Brev. Cap.* 21.

(2.) *Epiſt. Agapet. Pap. ad Petr. Hieroſ. Epiſc. ap. Concil. ſub Men.* καὶ τοῦτο ὃ πρὸ δίουδω τῇ αὐτῆς ἀξίᾳ πρεσβεύεται, ὅπερ ἐπὶ τῆς χρόνων τοῦ Ἀποστόλου Πέτρου ἑτέρου ἄλλου οἱασδήποτε ἐκκλησίας ἀνατολικῆς ἐδέξατο ἐπίσκοπον τῇ χρισοτονηθέντα, &c. *Vide omnino.*

(3.) *Marian. Didaſcalic. in Concil. Act.* 1. τοῦτ' ὃ ἡμέτερος λιβέλλους ἐξαπέστειλε τῷ εὐσεβεστάτῳ ἡμῶν βασιλεῖ, ἐφ' ᾧ τὰ ἐν αὐτοῖς αἰτηθέντα πέρατα δοθῆναι διὰ τὴν αὐτῆς εὐσεβείας——

(4.) *Agap. Ep. ad. Petr. Hieroſ. Act* 1.

Banished Church and State, (5.) as pests to both, by the help of the Emperour, who is all along made subservient to the Pope in this Business, for that *the Emperour had promised to execute the Pope's Canonical Decrees,* (6.) *with all Zeal, and by all means.* Thus Hereticks beginning to engage Kings against the Chnrch, put the Catholicks upon doing the same when they could, and when they could not, upon depending upon the *Pope*, who from a *Mediator* by this means became *Arbiter* of the Catholick Intereft, which becoming the ftrongeft, and fo moft neceffary to *Juftinian*'s Affairs, he conceded, and by conceding Eftablifhed the *Pope's Supremacy* over the *Eaftern Churches*, he himfelf becoming the *Executioner* of his Decrees. So that now the *Apoftolick Chair* was the only adorable thing at Court, and by this *Anthimus* himfelf was fo over-awed, that he had promifed the Emperour to do whatfoever the *High-Prieft* of the *Great Apoftolical Chair* fhould Decree. (7.) And hereupon the Addreffors to the Emperour, though they fometime give him the *Priority of Nomination* before the Pope, yet really, and in terms *poftpone* him in this Bufineſs. (8.) And *Paul* of *Apamea* and his five Partners in their Libel preſented to *Juftinian* Celebrate P. *Agapetus* as the Benefactor of the *Church*, and *State Imperial* too. (9.) Thus *Agapetus*, who came from *Rome* to do King *Theodatus* his Buſineſs, did his own, and, having ſeen himſelf *Supreme* over the *Eaſtern Churches*, Sings his *nunc dimittis*, and Dies, and leaves his Agents at *Conſtantinople*. Upon this *Anthimus*, by the *Intereſt* of the Empreſs, and the Induſtry of his Party, endeavours to recover, and in order thereunto raiſed great Diſquiets. This gave *Menas* and the Pope's Agents a freſh *alarum*, and put them upon concert, under the favour of the Emperour, more effectually by a Synod to ſecure their *Intereſt* againſt *Anthimus*, who, though *Eutychian*, and Uncanonical Patriarch of *Conſtantinople*, yet had not been *Canonically*, becauſe not *Synodically* Condemned; and ſo they caſt about and convene a Σινόδον ἐνδημοῦσαν

(5.) *Libel. obl. Concil. Act* 1. συνεπηχοῦντος ὑμῖν καὶ τοῦ —— βασιλέως, τούτους ἐξελάσαι πάσης ἐκκλησίας καὶ πόλεως, ὡς ἐπιβούλους, καὶ λυμεῶνας ὄχι μόνον —— ἐκκλησιῶν ἀλλὰ καὶ τῆς πολιτείας αὐτῆς, *Vide plura intr. con. Anthim.*

(6.) τοιαύτης παρὰ τοῦ —— βασιλέως ἐσπουδάκεισαν δεξάμενοι, ὅτι τὰ παρ' ὑμῶν ἐπ' αὐτοῖς (*Severianis*) κανονικῶς ἐκζητούμενα ἀποδώσει ἡ αὐτοῦ εὐσέβεια πάντα τρόπον πάντα ποιήσαι. *Vid.* & *libel. Episc.* ἐνδημούντων & *Oriental. Diæceſ.* &c. *Act.* 1.

(7.) *Sent. Syn. con. Anthim.*

(8.) *Libel. Marian.* &c. —Ἀγαπητοῦ— μθ' οὗ εἰς ἡμετέραν εὐσέβειαν ἀποβλέποντες, &c.

(9.) *Act* 5.

σαν a Synod of Biſhops then in Town, who, like Wiſe Men of this World, ſailed with Wind and Tyde. An. Chr. 536.

Paſs we hence from the *Occaſions* and *Call* of this Synod to the *Seſſion*, in which we are to conſider firſt, the *Preſidence*, which *Mena* aſſumed on the *Eminence* of *his See*, there being no *Pope*, to *take*, or *give* the *Preſidence*, to *him*, or *any others*; and the Agents of Dead *Agapetus* having no ſuch Powers of themſelves. And as all along *Menas* acted as *Preſident*, ſo did he even over the Emperour's *Agent*, or *Referendary*, by bidding him go off, as ſoon as he had done his Buſineſs for which he was ſent; (10.) though *Menas* his Security lay all in the Emperour's Protection. But while we look upon the Face and Buſineſs of the *Seſſion* as it concerned *Anthimus*, it appears very *Uncanonical*: For, though *Menas* had been made Patriarch in all *Canonical Forms*, as he was not; yet it was not *Canonical* that he ſhould call a Council, and ſit *Preſident* in it againſt the claims or pretenſions of his *Uncanonically ejected Rival*, and to paſs Sentence on him; for ſuch a Proceeding is contrary even to the Law of *Nature*; and all *poſitive Conſtitutions* of Government of what kind ſoever.

(10.) *Act* 1. ὁ ἁγιώτατος ἀρχιεπίσκοπος εἶπεν ἀπίτω μὲ ὁ Θεόδωρος ὁ πρεσβευτὴς ῥεφερενδάριος, πρὸ ἐξ ἧς παρεγένετο.

But there is one thing in *this Seſſion*, which Doctor *Wake* notes as very deciſive for the *Imperial Authority* in reſtraining Synodical Proceſſes and Deliberations, in which when *Anthimus* was depoſed —— and the Biſhops of the Patriarchate of *Antioch* with the Monks and Clergy deſired that *Severus* and ſome others might be condemned, *they were told by* Mena, *That nothing of that kind* COULD * *be attempted without the Emperour's Conſent firſt had for the doing it. Wherefore*, ſays he, *for the preſent we deſire, that we may acquaint him with what has been demanded by you. Upon this they drew up their Petitions to the Emperour, that he would Authorize* Mena *and the Council to proceed againſt them as Hereticks. To this* Juſtinian *conſented and ſent directions accordingly to them, and ſo the Council proceeded.* (11). But we ſhall have another, and a fairer view of this Matter, if we look into the *Form* of the *Acts* themſelves, in which this is the exact Relation. In the 4th Action, after the Condemnation of *Anthimus* firſt by the Synod, and then by *Mena*, and the riſing of the Synod thereupon, the *Eaſterns*, and ſome other Biſhops, and the Monks and Clergy cried

* *This is falſe.*

(11.) Auth. of Chr. Pr. p. 51, 52.

to

An. Chr. 536.

† *In Imitation of the People with* John *of* Constantinople. *Vid. Act* 5. *pag.* 561. &c.

to *Mena*, † *now anathematize* Peter, Zooras, *and* Severus. *You have an Orthodox Emperour, why are you afraid? Cast out the Parabaptists. And when the Monks of* Jerusalem *presented a Paper they all cried out, now receive the Libel of the Monks; now let the Libel of the Monks be read: Cast out the House-Baptizers: Now overturn* Zooras *his Den: Now Anathematize the Parabaptist: Let the Dens of the Hereticks now be Burnt: Now overturn the Monasteries of* Peter; *the Emperour's Faith prevails, the Emperour is Orthodox, whom do you fear? The Trinity does Anathematize these three; Anathema to* Severus, Peter, *and* Zooras, &c. Now the wary Patriarch, who knew his own dependance to be upon the Emperour's meer Pleasure, there being no Pope, and the Empress his bitter Adversary, was resolved to keep close there, and not in the least to disgust his Majesty (as exact as any Modern) but endeavours to cool them in this form of Speech; *you know the Purpose and Zeal of the Emperour toward the Orthodox Faith; and it* IS CONVENIENT † *that nothing, of Matters agitated in the Church, be done without his Opinion and Command.* * *And therefore we entreat you to be quiet, for the present, that I may take an opportunity to report your demands to him: For we, you know, follow and obey the Apostolick Throne, communicating with its Communicants, and condemning those which are condemned thereby*; by which he designed to pacify the clamour, and sweeten the importunate. But first of all he does not tell them, as Dr. *Wake* corrupts his Words, *that nothing of this* COULD *be attempted*, but only that *it was not convenient*. Nor can he be imagined to have offered Dr. *Wake*'s Sence to them. For they knew what could be done *Canonically*, and *of Right*, as well as *Mena*; and if no such thing could have been done without the Emperour, the Clamours had been Rebellious against the Imperial Prerogative. And then it had been but an odd request to them to be quiet, till he should report those ἐκβοήσεις to the Emperour, which had been the greatest injury he could do them, as also was the Insertion of these Clamours into the Acts and Monuments of the Council. So that *Mena*'s Words were an Admonition to *Prudence*, not of *Duty*. And beside, they knew that it was no Sense of *Duty* that restrain'd him, but *fear*; of which they told him *there was no Cause, the Emperour being Orthodox*; and secondly, when *Mena* tells them, *he*

† φερτήκει.

* Περὶ γνώμης αὐτῆς ἡμῖν κέλευσον.

followed

followed the Pope in ſuch Sentences, he ſhews, that not the *Imperial*, but the *Papal* Authority governed his *Duty*, but the *Emperour*'s Power his *Prudence*, that he might do his Duty with Convenience. So that this Inſtance of the *Doctor*'s is ſo far from evicting the *Imperial Right* of *reſtraining* Synodical Liberty of proceſs and deliberations, that it does moſt convictively oppoſe it. This will receive a clearer evidence from a like occurrence in the Days of the former Emperour *Juſtin*, reported and referred to in the 5th Action of this Council. The People called out upon *John* their Patriarch at *Conſtantinople* to publiſh the 4. Councils, and Anathematize *Severus*, &c. in ſuch forms, as were followed by the aforeſaid Complainants in this Synod. *John* often perſuades them to *Patience* and *Order*, but they inſiſt, and ſo he deſires them to be content till he ſhould procure the Judgment of the Emperour; but they would allow no delay. But what did *John* hereunto? Did he not tell them, 'twas a breach of Duty and Allegiance, and a Crime of *læſe Majeſty*? No, but in the Preſence of ſeveral Biſhops *Severus* was Anathematized then preſently. The next Lord's Day they preſſed him again as hard for the Reſtitution of the 4. Councils, and the Names of *Euphemius* and *Macedonius* to the *Diptychs*. But the Patriarch bids them be calm, and *ſuffer him to convene the Biſhops Canonically, with the Conſent and Command of the Emperour*, † as neceſſary to reverſe former *Imperial Edicts*; but they not tarrying, but inſiſting, the Patriarch again grants their Requeſt, without any Previous Recourſe to any Synod, or the Emperour, and after that the People were ſatisfied as with a Perfect and Authoritative Performance; which neither did the Patriarch himſelf judge *null*, and an *Uſurpation of undue Authority*, though *leſs Canonical* and *Expedient* than a *Synodical Procedure* with *Imperial Conſent*. Nor does it appear, that the Emperour *Juſtin* was offended at it; nay it was regiſtred in the Acts of that Church, and inſerted into the Monuments of this Council, as of good Force and Argument againſt *Severus* and his Complices. So, I ſuppoſe, the *Doctor* will have but little Stomach to reinforce this Inſtance of *Mena* and his Saying, for the *reſtraint of Synodical Deliberations*, &c. We have nothing more obſervable to our Purpoſe in this Synod but the *Confirmation Imperial*,

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† συγχωρήσατε ἡμῖν σωσαγαγεῖν τὸν—ἐπισκόπους, ἐφ' ᾧ τ' ἐξ τῶν θείων κανόνας πάντα φερόμενα γνώμῃ καὶ κελεύσει τοῦ—βασιλέως, &c.

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rial, requested of the Synod, and granted by *Justinian*. In which we are to enquire into the *proper form* first, and then into the *Right* hereof. And first of all it must be noted, that it had been long fashionable in *Councils* dealing with Emperours, as well as the *Complainants*, but especially in *Popes*, to implore the *secular Arm* as an *additional Corroboration* to the Canonical Determinations.

And many fine things were wont to be said for inducement, that *God*, *Christ*, and St. *Peter* were gratified hereby, and the Church Blessings and Prayers engaged for the Prosperity of their Empire; and the Emperours took and made use of the same Pretences many times to Colour over ill Practices; but, however, though it was look'd upon as matter of Imperial Duty toward God and his Church, yet the Petitions were generally very modest and charming, precarious, and creeping. But now the Pope being so advanced, and having grown so much upon the Emperours, their *Confirmations* were demanded in form. (12.) The Monks of *Constantinople* conjuring *Justinian* to execute by Laws and Punishments the Sentence of P. *Agapetus* by *God*, and our Lord *Jesus Christ* the Protector of the Empire, in reverence to the Soul of Deceased *Agapetus*, *who being nearer to God by his Death, they pretended to intercede for the Emperour's Peace and Preservation.* So that we may see herein all at once, that they look'd upon the Pope's Sentence as Canonically *valid* in it self without any other *Constituent Ratification*, and that the *Imperial Laws* were but *secondary Corroborations* to give it free and full *Effect*, and so lastly, that this was due from the Emperour, and not of Arbitrary Grace, to which he could not have been *so sacredly conjured.*

(12.) *Libell. Archim. &c. oblat. Justinian. Act* 1. ἐνορκῶμεν ἓν τῇ ὑμετέρᾳ εὐσεβείᾳ, εἰ μὴ τολμηρόν τι ποιῶμεν, κατὰ τῶ μεγάλω Θεῶ καὶ σωτῆρος ἡμῶν Ἰησοῦ Χριστοῦ, τῷ ὑφαπτομένῳ τῆ ὑμετέρας τιμίας βασιλείας— μὴ φείδεῖν τῆ δικαίαν κείσιν τῶ εἰρημένω ἁγίω ἀνδρὸς, (*Agapetus*) ἀλλὰ ταύτῃ ἐπεξελθεῖν, τῇ τῆ ἐκκλησίαν τῶ Θεῶ, καὶ πάντα τὸν κόσμον ἐλαθεῖσαντες τῆ λύμης Ἀνθίμου καὶ τῶν εἰρημένων αἱρεσιαρχῶν— τὰ ἓν παρ' ἐκείνω δικαίως καὶ κανονικῶς κεκεμένα πληρῶντες, καὶ διὰ νομοθεσίας ταῦτα κυρῶντες, καὶ τοιαῦτα τῶ λοιπῶ τολμᾶν ἀπαγορεύοντες, τῆ μὴ ἐκείνω μανίαν ψυχὰς διαπαίσητε, &c.

And

And as *Justinian* was thus requested, and the request admitted by the Council, so did it obtain his *legal Corroboration* according to the Custom of his Predecessors, by all whom the AUTHORITY of the Priests was looked upon as more DIVINE, and the Emperour's only HUMANE, and so of course to agree with, and follow the more sacred, not to be *primely Constitutive* thereof.

(13.) *Constit. Justinian. Imp. con. Auth. Sever. Petr. & Zoor. in fine Act.* 5. πρᾶγμα ἐκ ἀηδὲς βασιλείᾳ καὶ ἡμεῖς προσποιοῦντες ὅτι τὰ παρόντα ἐναλύδαμβον νόμον. ὅσακις γὰρ ἡ τῶν ἱερέων ψῆφός τινας τῆς ἐκ ἀξίων τὰ ἐπιφωσίης τῆς ἱερατικῶν καταβίβασε θρόνων, —— τοσαυτάκις ἡ βασιλεία σύμψηφος γέγονε τῇ τῶν ἱερέων ΑΤΘΕΝΤΙΑ, ὡς τὰ ΘΕΙΟΤΕΡΑ τε καὶ ΑΝΘΡΩΠΙΝΑ σωδεσμόντα μίαν συμφωνίαν τῆς ὀρθαῖς ποιεῖσθαι ψήφοις.

And therefore when he says, that *he confirms* the Sentence of the Synods against *Anthimus*, and *Peter* of *Apamea*, (14.) he must be understood to *Civil Effects* and *against* all *exterior Obstructions* according to the first design of *Constantine*, that the Sentences, *divinely firm in themselves, may remain inviolate in that firmness*, (15.) as he explains himself. And therefore in the second place he farther says, *that the just Sentence, which in a manner all the Patriarchs and Arch-Bishops had past against* Severus, *should not be left destitute of his* ADDITIONAL CONFIRMATION. (16.) Nay, in his *Imperial Confirmation* of the *Sentence against* Zooras he affirms my Notion, that the *Synodical Sentence* was *simply firm in it self, and should be made more firm by his Royal Authority, as firm as if it had been his own Imperial Sentence*, i. e. to all *Civil Effects* whatsoever. But that the *Canonical Validity* of *Acts Synodical* was *internal* to the *simple, proper, and constituent Ratification* of the Synod, appears from the

(14.) *Ibid.* ψῆφον τὰ ἁγίας συνόδου κυρίαν καὶ ἡμετέρᾳ πίδει βασιλείᾳ —— ἔξω κυρίαν καὶ τὰ κατ' αὐτῆς ψηφισθέντα.

(15.) *Ibid.* προσελθοῦσης ἐπ' αὐτοῖς ψήφου κυρίας διαμενούσης.

(16.) *Ibid.* —— ὃ μὴν —— βασιλικῆς ἔξω καταλιμπάνομαι ΕΠΙΚΥΡΩΣΕΩΣ.

(17.) *Ibid.* ἔτω καὶ Ζωοεᾶς τε πονηρᾶς ταύτης μερίδος, καὶ ἐν τοῖς ἀναθεματισμένοις καὶ αὐτὸς τεταύχθω, τῆς ἱερατικῆς αὐτὸν καταγνούσης ψήφου, ἣν ΚΥΡΙΑΝ ΕΦ ΕΑΥΤΗΣ ΚΥΡΙΩΤΕΡΑΝ ἔτι μᾶλλον ἡ βασιλεία ποιεῖ —— εἰ δέ τι καὶ ἕτερον τῆς ἁγιωτάτων ἐπισκόπων προσέχει ψήφῳ, ——ΚΥΡΙΟΝ δὴ καὶ τοῦτο τίθεμαι, καὶ τοῖς βασιλικοῖς ἡμῶν αὐτοῦ νόμοις ΕΠΙΚΥΡΟΥΜΕΝ, ὡς ἂν εἰ αὐτὸς τῆς βασιλείας αὐτῆς προσελθὸν ἐπύγχανεν. —— ὡς μηδένα τῶν πάντων λανθάνειν τὰ τῇ ἀρχιερωσύνῃ δόξαντα, τὰ τε ὑπὸ τῆς βασιλείας ΚΕΚΥΡΩΜΕΝΑ.

Petition

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Petition of the Monks made to the Synod of *Constantinople* under *John* the Patriarch recorded in the 5th Action of this under *Mena*, that *the* (18.) *Synod would confirm* the Acclamations made by the People under *John* for the Restitution of *Euphemius*, and *Macedonius*, and the *four Councils* to the *Diptychs*. And that all the Virtue of their Sentence did not consist in the *Imperial Confirmation* farther appears in this, that, after the *Imperial Confirmations*, *Menas* requested *Peter* of *Jerusalem*, and his Synod, *to add their suffrage to their Decrees*, (19.) that they might take place in that Diocese also by Virtue thereof. And they at *Jerusalem*, having duly read over all the Epistles and Acts sent them, finally added their Sentence also against *Anthimus* in reception of that of *Agapetus*, and that of *Mena*, and his Council, following withal the *Imperial* Establishment, which, upon the *Doctor*'s Notions, must have been admitted by them without entreaty and discussion.

(18.) *Act.* 5. ταῦτα διὰ φωνῆς τ ἁγίας ὑμῶν συνόδε ἐγνεφάνης δέξασθε τὸ κύριος.

(19.) *Ap. Concil. Hieros. Jub. Petro. anno eod.* γίνεσθε ——— τῆς κεκεινδύνοις σύμψηφοι —— ἀκολουθήσαι μὴ βραδύνητε.

(20.) *Sent. Petr. ap. Concil. Hieros.* σύμψηφοι γινόμενοι τοῖς ὑπ' αὐτῶ διατυπωμένοις ὑπὸ Ἀγαπητῦ, —— καὶ τοῖς ὡρισμένοις παρὰ Μηνᾶ, καὶ τ παρ' αὐτῶ ἀθεσιδείσης ἁγιωτάτης συνόδε, ἀκολουθήσαντας ὃ καὶ τῆ θεῖ τόπων ΚΥΡΩΣΕΙ τῦ θείε καὶ βασιλικῦ νόμε, προσεκύσαμεν τ ὅτι Ἀνθίμε καθαίρεσιν, &c.

Upon all which, whosoever looks upon the *Design*, *Structure*, and *Acts* of this Synod, compared with the *Sense* and *Concurrence* of the Emperour, will find the Sense of that Age directly opposite to our *Doctor*'s 2d, 6th, 7th, and 8th, *Aphorisms*; and that not one of all the nine hath any Countenance from this Council, no not the 4th, for which it was brought by the *Doctor*; but to which it is directly contrary in the particular Instance alleged by the *Doctor*.

XXXVIII. *Of*

An. Chr. 553.

XXXVIII. *Of the fifth General Council held at* Conſtantinople, *An.* 553.

HOW Unhappy Princes have been in their Eccleſiaſtical Conduct may be very Advantageouſly ſeen in the difference of *Juſtininian*'s Meaſures. Till *Italy* and *Africa*, &c. were recovered out of the Hands of the *Barbarians*, and while the Pope's *Intereſt* with that of the Catholicks was neceſſary to his Affairs, the great Devotion of the Empire was all to St. *Peter*'s Chair; but afterward, when his Fortunes had proſpered, and he became firm Maſter of recovered *Italy* and *Africa*, and other Weſtern Parts, he could ſhew himſelf as *frail*, or rather as *foul* as other Emperours had been before him. This will appear from the Account of this Council, which we ſhall take, and give, according to our propoſed Method, beginning with the *Call*, and therein firſt with the *Occaſions* of it. *Anthimus* and the *Acephali* being condemned by P. *Agapetus*, and after by the Council under *Mena*, the Empreſs was very Sollicitous for their Reſtitution, but could find no other way but by corrupting, or procuring a corrupt Pope after *Agapetus* his Death. At this time *Beliſarius* the Emperour's General being Maſter of almoſt all *Italy*, ſhe engages to *Vigilius* (*Agapetus* his Deacon left at *Conſtantinople* after that Pope's Death) to make him Pope, and give him 700 pieces [of Gold] (1.) if he would vacate the Council of *Chalcedon*, and write to *Theodoſius*, *Anthimus*, and *Severus*, in Confirmation of their [*Eutychian*] Faith; and *Vigilius* gladly accepts the offer, and promiſes to perform the Heretical Condition. When *Vigilius* came to *Rome* he found *Silverius* poſſeſs'd of the *Apoſtolick Chair*, and *Beliſarius* at *Ravenna*, to whom he delivers the Empreſſes Letters of Order for his Creation, and promiſes him 200 pieces of Gold, if he would turn out *Silverius*, and cauſe him to be Ordained in his ſtead. Hereupon accuſations were framed againſt *Silverius* for conſpiring with the *Goths*, but withal temptations offered him by *Beliſarius* and his Wife, to reſcind the *Chalcedon* Council, and by his Letter to confirm the Faith of the *Acephali*; for refuſing of which he was Baniſhed, and *Vigilius* wickedly, and corruptly put in, who yet would not fulfil his Promiſe,

(1.) *Liberat. Brev. c.* 22. & dari (*ego legerim* auri) centeneria ſeptem.

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till upon *Silverius* his return *Belisarius* delivered him up into *Vigilius*'s Hand, under which *he perished by Famine*. After this, *Vigilius* sent his Faith, exactly *Eutychian*, secretly to the Hereticks: From which we may make these Observations; first, that the Emperour could not *rescind* the Acts at *Chalcedon*, nor of the Council under *Mena*, because Applications were made to these two Popes to do it: 2dly, that Interpositions of secular Power against Matters Canonically Established, or any Ecclesiastical Constitutions, are of mischievous Importance, and give Hereticks Advantage to set themselves up by Persecutions. 3dly, That the *Concordates* between *Popes* and *Princes* were destructive to the Rights of Synods, and particular Bishops, as will appear more fully hereafter. But to return to the History. In the *East* under *Justinian*, the outside Course of things went on in an *Orthodox Form*. In the midst of which *Pelagius*, the *Roman Deacon* and *Apocrisiary* for the *Eastern Churches*, in spight to *Theodorus* of *Cappadocia*, an *Origenist* and an *Eutychianizer*, concerts with *Mena*, and procures from the Emperour an *Anathematization* of those Chapters of *Origen*, which those *Palestine* Monks (who Sollicited this Business) had Collected: For the Emperour was easy to Act in such Matters, being noted for a Prince, *that affected such Judgments*. (2.) This, being subscribed by the Bishops at *Constantinople*, was directed to *Vigilius* at *Rome*, *Zoilus* at *Alexandria*, *Euphræmius* of *Antioch*, and *Peter* of *Jerusalem*; who all received and subscribed it. (3.) This was a pretty contrivance to put Emperours upon *Anathematizing* Doctrines, who by their *own Catholick Confessions* were no proper Judges in such Matters; and a Pope's Agent the first Promoter of it; though yet they made not the *Imperial* Judgment herein *sole* and *final*, but Established it by the *following Confirmation* of the *Patriarchs*, who now grew *too Monarchical* to the diminution, and enslaving inferior Bishops. Hereupon *Theodorus* of *Cappadocia*, by way of revenge against *Pelagius*, and the Memory of *Theodorus* of *Mopsuesta*, who had written against *Origen*, as also to divert an *Edict* against the *Acephali*, by the *Interest* of the Empress *Theodora* persuaded the Emperour, there would be no need of any *Edicts*, but all the *Acephali* would be united to the Council of *Chalcedon*, if he would procure the Person and Writings of *Theodorus Mopsuesten* to be *Anathematized*, together with *Theodoret*, Writings against *Cyril*, and the Letter attributed to *Ibas*. The beguiled Emperour swallows

(2.) Liberat. c. 23. *gaudens sede talibus causis Judicium ferre.*
(3.) *Ib.*

ſwallows the Bait; and to prevent him from retreat they obtain of him an avowed *Edict* againſt the *three Chapters*, which without any Synodical Deliberation or Judgment preceding, he granted gladly. And being ſo irrecoverably engaged, he enriched the complying Biſhops with great Gifts, but bitterly Perſecuted all Recuſants. Thus by the tricks of the *Eutychian*, *Cappadocian*, and *Empreſs*, he fell from the *Intereſt* and *Rules* of *Orthodoxy*, to *Heretical Methods* of trimming, corrupting, and perſecuting; and thereby embroiled the Church into great Confuſions. Now the firſt ſtep he made toward the Eſtabliſhment of his *Edict* was by a *Synodical Form* of *Confirmation* of it in a Synod at *Conſtantinople* under that waxen Patriarch *Mena*, (4.) to which all were made to ſubſcribe; as alſo afterward in the three other *Eaſtern Patriarchates* of *Alexandria*, *Antioch*, and *Jeruſalem*. But it being counter to the *Roman* Intereſt, *Stephen*, the Pope's Deacon and Agent, on the Authority of the *Apoſtolick See* refuſes Communion with *Mena*, and herein was followed by ſome other Biſhops; and *Vigilius*, before he came to *Conſtantinople*, being engaged to ſatisfy the Weſtern againſt all Innovations, condemns the Acts as null, writes to *Juſtinian* for their Revocation, and denounced Cenſure without ſatisfaction; and ſo ſuſpended *Mena*, and the other Subſcribing Biſhops when he came to *Conſtantinople*. And which is to be noted, no exception was taken againſt his *Apoſtolical* pretended Authority; nor any Notions adduced of the *Imperial Supremacy* againſt the Pope's Sentence. But in ſtead thereof, in ſome time, the Empreſs, that had ſimoniacally advanced him, found a way to ſoften him to a Reconciliation and Communion with them, though not as yet yielding in the Buſineſs of the *three Chapters*; but at length ſhe reduced him to this alſo: For in a Convention at *Conſtantinople* he cauſed Suffrages, and decreed his *Judicatum* againſt the Chapters, (5.) ſaving however all Right to the *Chalcedon* Council. (6.) But ſee now the ſteadineſs of *Juſtinian*! For he was not ſatisfied with this Compliance, becauſe it ſaved the Council of *Chalcedon* againſt Prejudice, and therefore preſſes the Pope to condemn the *three Chapters* without any mention of the Council of *Chalcedon*, which was in effect, all things conſidered, to quit and betray it. At this the Pope therefore demurred, and

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(4.) *Vid. in Append. ad 5. Concil. & in Coll. 1ma.* Note that *Mena* ſubſcribed with reſervation to the Pope's Pleaſure; whoſe Tool he deſired to be, as well as he had been his Creature.

(5.) *Collat. 1, & 7.*

(6.) Cleric. Italic. Ep. ad Legat. Francor. Concil. Reg. Tom. XI. p. 659. *ſolicite monendo, ne per occaſionem aliquam ſupradicta Synodus pateretur injuriam.*

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craved a Council at *Constantinople*, to which five or six Bishops were to come out of every Province, whereby he designed either to elude the Emperour's design, or throw off the *Odium* from himself; and this the Emperour granted him, neither of them at this time minding their Title to the *Supremacy*, but ascribing it to such *a Council* as was to be called. But when the Imperial Summons came to *Illyricum*, and *Africa*, none of the *Illyrians* would come: And when some of the *Africans* drew near to the City, *Vigilius* wheedled the *Judicatum* out of *Justinian*'s Hand on pretence of its insufficiency; the Emperour hoping, not only to have the mention of the *Chalcedon* Council erased, but also himself better gratified. But when the *Africans* were actually come, and could not be flattered, or frightned into a Condemnation of the *three Chapters*, the *Imperial* Party accuse and banish *Reparatus* of *Carthage* for pretended Treason, upon which the other two fled to S. *Euphemias* in *Chalcedon* for Sanctuary; where they suffered horrible want and distress, and the *Prefect* of *Africa* got whatsoever simple, *corrupt*, or interessed Bishops he could pick up, and sent them to *Constantinople*, * of which for shame they turn'd back one Adulterer. At *Carthage* they set up another in stead of *Reparatus*, and that not without Effusion of much Blood. But when however neither *Africans*, *Illyrians*, or *Dalmatians* could be prevailed with to condemn the *three Chapters*, they press hard again upon the *Pope* to do it alone; but upon his Refusal the Emperour's *Edict* was publickly hung up in the Church of *Constantinople*, and other Places. Hence the Pope, finding a strong Party for him, deprived all that consented to that *Edict*, of the Communion of the *Apostolick See*; and *Dacius* Bishop of *Milan* proclaims them out of Communion with all the Bishops of *Gaul*, *Burgundy*, *Spain*, *Liguria*, *Æmilia*, and *Venetia*; by which they so enraged the Emperour, that in stead of being *Formally of his Counsel*, they were fain to fly to Sanctuaries. Hence the *Pope* was Barbarously pluck'd from St. *Peter*'s Altar by Armed Souldiers, but rescued by the *Mob*, and some other Soldiers. Parties also were suborned in *Italy* to turn the *Pope* and *Dacius* out, and to put such others in as would comply with the Innovation: And one *Anastasius*, a Messenger of *Aurelian* of *Arles* unto the *Pope* at *Constantinople*, was bribed to promise upon Oath the concurrence

* *Exactly according to Doctor* Wake's Regal Powers *of choosing, or directing the* Choice of *the* Members.

Very pleasant.

concurrence of the *Gallican Biſhops* to the condemnation of the Chapters; and many more abominable Frauds and Cruelties were practiſed. Under which Perſecution *Vigilius*, in ſtead of complying with the Emperour, publiſhes his *Excommunication* againſt *Theodorus* of *Cæſarea*, and his *Suſpenſion* againſt *Mena*, which reduced them to ſome fear and compliance. And at laſt *Eutychius* ſucceeding to deceaſed *Mena*, they came to terms for a Canonical Council in appeal from the Emperour's Conſcience; † (which was not very much, though very large) wherein was to be an equal number of *Greek* and *Latin* Biſhops. But the Emperour, fearing the conſequence of this Equality, and impatient of ſuch a delay and baffle, and ſo reſolving right or wrong to carry his Point, calls the *Eaſtern Patriarchs* and their Colleagues ſo ſpeedily, that the Latines could not come within the time. And the *Eaſterns* being come, *Juſtinian* and they Summon the *Pope* to come by way of *Invitation* only, and on no other pretended Obligation but his precedent Oath; but the *Pope*, not owning them for a ſatisfactory and equal Council, refuſed to come, notwithſtanding all the Perſuaſions of the Meſſengers, who yet had forgot thoſe of the Doctor's *Imperial Supremacy*, which had been more valid, and operative than all the reſt. The like did alſo four other Biſhops, *Primaſius*, *Sabinian*, *Projectus*, and *Faul*, on ſeveral Pretences; for which they were eſteemed as diſobedient and obnoxious to the *Authority* of *the Council*, but not *of the Emperour*, of what form ſoever their call from the Emperour was. And ſo here is no *Precedent*, or *Preſcriptive* for any Obligation to convene in Council upon any meer *Imperial* Call whatſoever.

An. Chr. 553.

† Contrary to Dr. *Wake's* Notion. *Auth. of Chr. Pr.* P. 86.

After the *Call*, come we to the *Seſſion*, wherein the *Pope* refuſing *Preſence*, and the offered *Preſidence*, *Eutychius* preſided on the Title of his See, the *Imperial Judges* retiring as ſoon as they had received the Imperial Orders, and leaving all to the Determination of the Fathers: Nor is there any thing elſe very conſiderable herein to our Purpoſe.

(7.) Collat. 2. *Gloriſſimi judices dixerunt, nos quidem hoc quod juſſi ſumus a piiſſimo Imperatore implevimus, & imus ad ſacrum ejus Palatium, in ejus obſequium permanſuri. Vos autem, timorem Dei præ oculis habentes, celerem finem imponere cauſæ dignamini*, &c.

An. Chr. 553.

See Dupin's *Epitome.*

But to come to the *Conclusion* or *Epilogue* of these *Scenes*, we are finally to consider the *Imperial* Procedures after the much desired and sollicited Condemnation of *the three Chapters* in this Council; which were nothing else but a Course of Tyrannical Persecutions. St. *Peter*'s (lately adored) Successor was Banished, and erased out of the *Diptychs* by the Emperour's Order, which made the poor Simoniacal wavering *Pope* recant, and condemn his former *Constitution*, and so was restored from Banishment. After his Death *Pelagius* the Deacon, who had been Banished for the same Cause, was restored, and promised the *Popedom* upon a previous engagement to condem the *three Chapters*, which was done accordingly. At *Carthage*, *Reparatus* was turn'd out, and *Primasius* put in, who presently condemned the *three Chapters*, and persecuted the greater part of the *Africans* to a compliance. In *Illyricum* great were the Divisions, *Benenatus* of *Thessalonica* having condemned the *three Chapters*, and so occasioning a separation of the greater number of the *Illyrian* Bishops from him. The Priests and Deacons of *Italy*, that complied not, were for the most part Banished at the Persecution of the *Pope* and *Merses*. The Bishops of *Tuscany* resisted long; *Dacus* of *Milan* followed *Vigilius*, and so yielded. But the Bishops of *Istria*, and *Liguria*, who were under the *Lombards*, and so out of the Emperour's reach, boldly defended the *three Chapters*. Upon all which, if the *Doctor* thinks this Emperour's Practice *Prescriptive*, or *Exemplary*, he must justify not only his Folly, his Fraud, and Cruelty, but even both sides of the Contradictions, for the *Papal* and for the *Imperial Supremacy*, and condemn all those Churches and Bishops, who withstood his *Heretical Trimmings* and *Counsels*, till over born by Persecutions. But that too much credit may not be given to this Man's Measures in Matters Synodical, let us observe his Character that he acquired in the Western Church in *Nicetius* Bishop of *Triers*, who tells him in his Epistle to him, *That he was taken for an Heretick, and a Persecutor, and his Name Anathematized*, &c. (8.) as being of the *Sect* of the *Acephali*, called *Incorruptible*, who held that the Body of Christ was ever incapable of Passion, or Corruption; a Doctrine which of his own Head he had set up by *Edict*. (9.)

(8.) Concil. Tom. XII. *p.* 56, 562, &c.

(9.) *Evag.* l. 4. c. 38.

Council

Councils called by the Emperour.		*Councils not called by the* Emperour.	
V. Council	*An.* 535.	Council under *Mena*	*An.* 536.
C. of *Mopſueſta*	550.	C. of *Jeruſalem*	*Eod.*

Councils called by the Emperour.		*Councils not called by the* Emperour.	
I. Council of *Rome*, under *Gregory* the Great	*An.* 590.	Council of *Conſtantinople* under *John*, ſtyling himſelf Univerſal Patriarch.	*An.* 587.
		C. of *Rome* under *Pelagius* II.	589.
		of *Numidia*.	592.
		2. of *Rome* under *Greg. M.*	595.
		3. of *Rome ſub. eod.*	601.
		4. of *Rome ſub. eod.*	*Eod.*
		A *Byzacene* Council.	602.
		of *Numidia*.	603.

Phocas *Imp.*

Councils not called by the Emperour.	
Council of *Rome*, *ſub.* Bonifac. III.	*An.* 606.
of *Rome*. *ſub.* Bonifac. IV.	610.

Heraclius *Imp.*

Councils not called by the Emperour.

Council of *Alexandria*, ſub. *Cyro Monoth.* *An.* 633.
of *Conſtantinople*, ſub. *Serg. Monoth.* 639.
of *Rome*, ſub. *Joan* IV. 640.

Conſtans *Imp.*

Councils not called by the Emperour.

Council of *Numidia.* *An.* 646.
of the *Byzacene* Province. *Eod.*
of *Carthage.* *Eod.*
of *Rome*, ſub. *Theodor.* 648.
of the *Lateran*, ſub. *Martino.* 649.
of *Rome*, ſub. *Vitalian.* 667.

An. Chr. 680.

XXXIX. *Of the* VI. *General Council held at* Constantinople, *An.* 680.

AFTER *Justinian* had recovered *Italy*, and exercised his Domination over the *Pope*, as well as all other *Opposers* within his Empire, we find the Pope's growing more humble to the *Imperial Court*, and the Patriarchs of *Constantinople* yet more pliant, and thereby endeavouring to recover the *equality* with the *Pope* given them by the *Chalcedon Council*, though they, to gratify their Emperours, juggled against the Faith of that Council, to maintain their Port. Thus *John* of *Constantinople* stiled himself *Universal Patriarch*, and this enraged Pope *Pelagius* the second, and his Successors, who condemned the Character as Proud, Tyrannical, and Anti-Christian, and clamoured thereupon with the *Emperours*, *Patriarchs*, and all the World, but to no effect; till *Boniface* the 3d. finding *Phocas* the *Parricide* offended greatly at *Cyriacus* P. of *Constantinople*, took the Advantage, not only to get that Emperour to suppress that Fauftuous Title in the Patriarch, but also obtained his See to be the Head of all Churches, (1.) contrary to the Remonstrance of *Gregory* the Great, and so violated the 28th Canon of the *Chalcedon* Council by a Supremacy herein, which the Pope got to himself that thereby he might usurp upon *Constantinople*, and all Chruches whatsoever. Yet the Emperour *Heraclius*, (who by the Slaughter of *Phocas* return'd God's Vengeance on him for his Murther of the Emperour *Maurice*) and his next Successors, (having Ecclesiastical Polities of their own contrary to those of the *Roman* See,) got the Patriarchs to join with them, and so supported Them against the *Popes*; and thus *Monothelitism*, invented by *Cyrus* Patriarch of *Alexandria* as an Expedient to reconcile his *Egyptian Eutychians*, took at last at Court for an Admirable *Unitive*; which because the *Roman See* chiefly opposed, and the *Constinopolitan* asserted, hence followed long and great Divisions, and Persecutions, especially in the Days of the *Monothelite* Emperour *Constans*, after the Condemnation of his *Type*, and *Heraclius* his *Exthesis*, &c. for *Monothelitism*, in his Council at the *Lateran*. This did not

(1.) Anastas. in vit. Bonif. III. *Hic obtinuit apud Phocam Principem ut S. Apostolica Eccl. B. Petri Apostoli caput esset omnium Ecclesiarum*, &c.

An. Chr. 680.

not only dissatisfy the whole Western Church, but all the Catholicks in the East, though by a Combination, or consent of their four Patriarchs, easily obtained by the Power of the Emperours, they were oppressed. But *Constans* the Emperour, leaving the Empire to *Constantinus Pogonatus* in great dangers from the *Barbarians* and *Saracens*, who grew very dreadful, there was a necessity of abating this cruelty upon the Pope and Western Churches, even in order to heal the Domestick Divisions in the Eastern, occasioned by those Persecutions. And therefore *Constantinus Pogonatus*, though sollicited to go on with the *Monothelite* Disputes, declined the temptation as unsuitable to the State of his Affairs, (2.) which needed the *Interest* of the *Roman Church*, by the Emperour's own confession to Pope *Leo* II. (3.) and intimation to his *Roman* Synod. Upon these Reasons and Exigencies of State, *Pogonatus* was forced to recede from the Measures of *Heraclius* and *Constans* his Predecessors, even to the other extreme of Courting, Adoring, and Surrendring up all to the *Sacred Supremacy* of the *Apostolick See*. Now these being the *Occasions* and *Motives* to the calling of this Council, in the next place we shall enquire into the *Form* of it.

(2.) *Sacr. Imp. Pogonat. ad Donum (seu Domnum) Pap. ap. Concil. Collect. Reg.* Tom. XVI. p. 31. πολλάκις ἐθελησάντων τινῶν κίνησιν ποιήσασθαι περὶ τῆς φιλονεικουμένων ῥημάτων ὑπὲρ τῆς τῆ εὐσεβείας δόγματος μεταξὺ τῶν μέρους τῆς καθ' ὑμᾶς ἁγιωτάτης Ἐκκλησίας, καὶ τῆς ἐνταῦθα ἁγιωτάτης τοῦ Θεοῦ μεγάλης Ἐκκλησίας, καὶ ἀμφισβητῆσαι, διεκωλύσαμεν τοῦτο γνώμῃ, τὸν καιρὸν μὴ ἐπιδεχομένην γινώσκοντες ὡς ἀπὸ μειζονῆς ἀμφισβητήσεως, πρὸς οἷς ἔνωσιν γνώμης οὐκ ἐνεδέχετο, ἀλλὰ καὶ τὸ κακὸν πύξανε. (3.) *Sacr. Imp. ad Leon.* II. Ib. p. 571. ἧς (*fide*) ἀκλονήτε μονώσης κλονεῖ) μὲ τῆς δυσμωνῶν ἡ σαπὶς τ καὶ ἀντίσταπις ἐρείδε) ὃ τῇ πέτρᾳ τ πίστεως ὁ θρόνο τ ἡμῶν γαλεωότητο ἰθυνέ) ὃ πρὸς τὸ συμφέρον τῆς ἡμετέρᾳ κρατῆς τὰ βελήματα καὶ κινήματα τ ὅλης ὃ πολιτείας Ρωμαϊκῆς ἡ καπάσαπις συγχαλινιᾶ τῇ γαλεώτῃ τ πίστεως. *Vid. etiam talia in Sacr. Imp. ad Synod Rom. sub Pap. Leon.* II. p. 574, 575.

First then he Writes to the Pope, not to come himself, (in vain must he have expected that) but to send Representatives, first for himself, and then secondly for his Synod, which was a Concession to that damnable Usurpation of the Pope in acting by a form of single, and separate Authority, in Matters belonging not only to his See, but the whole *Suburbicarien* Churches, nay, to the whole Catholick Church, and that in a Sphere above his Synod, who were in a manner to do nothing but truckle under.

Secondly,

Secondly, he directs the Pope to ſend three at leaſt to repreſent his Perſon, or elſe as many as he pleaſed; but of his Synod no more than twelve Metropolitans, and Biſhops, and from each of the four *Byzantine* Monaſteries four Abbots, i. e. Monks. This perhaps may ſeem to preſcribe for the *Doctor*'s 3d *Aphoriſm*, but as it can only pretend Preſcription in ſuch Councils as this was, ſo will it not preſcribe up to the full, i. e. to a Right of excluding the *Pope* and all his *Legates*, nor yet his *Council*, and all their *Deputies*. All, that it can ſeem to preſcribe for, is a limitation of the number of Repreſentatives in all Synods and Monaſteries, except only the Pope, who was to be dealt tenderly with, and left at pleaſure. But here is one thing more to be noted, that the Emperour was forced by ſtraitneſs of time, to theſe meaſures of calling an *incomplete Convention*, (4.) *which yet being what God would permit him*, he enioyns *the Pope's Fatherly Bleſſedneſs not to hinder the Will of God herein*; and well he might, conſidering the State of the Empire required the Pope's Concurrence as neceſſary to its Civil Security. But in the Eaſt, he orders the Patriarchs of *Conſtantinople*, and *Antioch*, to bring the Metropolitans, and Biſhops of their reſpective Patriarchal Synods, *at full*, as had been uſed, without any Limitation. (5.) From whence the only pretenſive Preſcription hence can be but ſuch, that when a general Congreſs of Biſhops from all Provinces to one Council is neceſſary to the Preſervation of an Empire, and yet the time ſo ſtrait, that all from the remoteſt Parts cannot make all cuſtomary Preparations, and Elections of Deputies, that the Prince may then direct the *Patriarch*, or *Primate* to ſend a ſet number for himſelf, and a ſet number out of his Synod, and enjoyn him not to hinder ſuch a neceſſary Work or Convention in ſuch Exigencies, leaving however nearer Provinces to ſend *at full* and *in Form*.

An. Chr. 680.

(4.) *Sacr. ad Domum. Pap.* ἐπὰν ἓν ὁ χρόνος ἐν ὅπῃ ὁ χρόνος πλείαν συνάθροισιν ποιῆσαι — εἰ γὰρ ἐπῃρέχετο ὁ χρόνος — πλείαν συνάθροισιν ποιέσθαι, &c.

(5.) *Sacr. ad Georg. C. P.* Ib. p. 38. & *ad Leon.* II. 567.

After the *Call*, follows the *Seſſion*, which was held in the *Trullus* under the Emperour's own Roof; in which he therefore (as it was fit) *preſided*, many of his Nobles attending on him.

And herein he would admit no Diſputes, but only the Senſes of Councils and Fathers. He directed the Reading in

An. Chr. 680

in all the Acts, and examined the Faith with the Synod. The Determination was made by the Fathers, after all whose Definitive Subscriptions the Emperour *Subscribed in Testimony of his Assent.* (5.) When all was done, the Synod in their address declare to the Emperour, that they had CONFIRMED all the Decrees of the former Synods; (7.) and on this ground they desire *his Subscription*, *being his* ADDITIONAL CONFIRMATION, *and Edicts, and Injunctions, for the Strengthning all their Acts against all Contradiction or Innovation*; (8.) which he granted them. (9.) But after all the Synod knowing the Inclination of the Emperour, and the Exigence of Affairs to need the Pope's Concurrence for the satisfaction of the Eastern as well as Western Catholicks, request the Emperour to send *Macerius* of *Antioch*, with the rest that were condemned, to Pope *Leo* II. at *Rome to be instructed, and finally judged by him*, notwithstanding all the former *Synodical* and *Imperial Confirmations*; which he therefore did, looking on the Pope, *even as Christ's Fellow-Pastor of the Catholick Church*, (10.) who also after added his CONFIRMATION to this Council. (11.) So that the *Imperial* as well as the *Papal* were but *subsequent* Confirmations of what the Synod had *validly*, *internally*, and *constitutively* confirmed before, to which also the *Quinisext Synod* (in the same Arch) gives Testimony, (12.) in saying, that *this sixth Council received a greater Confirmation*, *Firmity*, or *Authority* from the Emperour, which supposes a *former Confirmation* of the Acts past by the Synod it self, and not that all was from the Prince. To which we may add that Pope *Leo*, beside his own Subscription to *confirm* it through his Diocese, sent also to the Bishops of other Countrys under other Kings to subscribe this Council, thereby to *confirm* its Authority over their Churches, while no form of *Confirmation* was desired of their respective

(6.) *Concil. Tom.* XVI. *Act* 13 p. 508. Κωνσταντῖνος, &c. ἀνέγνωμεν καὶ συνηνέσαμεν.

(7.) ΕΒΕΒΑΙ ΩΣΑΜΕΝ.

(8.) p. 521. τῆς παρ' ἡμῶν ὁριωθείσης συνοχαῖς παρέχειν ὑμῖν ἐγχείρου βασιλικῷ ΕΠΙΚΥΡΩΣΙΝ, καὶ διὰ θείων ἡδίκτων, καὶ ἧς ἐξ ἔθους εὐσεβῶν διατάξεων τὰ τύπων ἁπάντων ΒΕΒΑΙΩΣΙΝ ὥστε μηδένα τῆς παρεχθείσην ἢ ἀνατεθείσης, ἢ καινότερον ζήτημα μηχανήσασθαι &c. p. 536. διὰ θείας ὑμῶν ἐπανορθώσεως τὸ ΚΥΡΟΣ παρέχειν, &c.

(9.) p. 536, 537.

(10.) 570, 571, ὃν καὶ ὑμεῖς συμποιμαίνειν ἐτάχθητε.

(11.) *Epist. Leon* II. *ad Imp.* p. 584, 585.

(12.) *Can.* 1. ἡ μείζονος τὸ ΚΥΡΟΣ ἐδέξατο δι' ὧν ὁ εὐσεβὴς βασιλεὺς &c.

ſpective Princes; (13.) which ſhews the Power of *Canonical Confirmation*, or *Eccleſiaſtical Eſtabliſhment* to have been, not in *Kings*, but *Biſhops* only, and the *Civil Confirmation* only in *Kings*, *conſecutive* only, not *Conſtitutive* of the *former*.

(13. *Leon* II. *Epiſt.* 4. *ad Simplic. Comit.* & *Epiſt.* 5. *ad Ervig. R. Hiſpan.*

Council called by the Emperour Pogonatus.

VI. Council. *An.* 680.

Councils not called by the Emperour Pogonatus.

C. of *Milan*, ſub. *Manſuet.* *An.* 679.
of *Rome*, on *Britannick* Affairs. 630.
of *Rome*, againſt *Monoth.* *Eod.*
Which the Emperour own'd gathered by the Holy Ghoſt. Epiſt. ad Synod. Rom. poſt 6tum. Concilium.

Councils called by the Emperour, *or his Order.*

The *Quini-Sext* Council. *An.* 692.
C. of *Rome*, under *John* VII. 705.

Juſtinianus Rhinotmetus *Imp.*

Tiberius *Imp.*

Council not called by the Emperour.

Council of *Aquileia.* *An.* 698.

Council

Council called by the Emperour.

Philippicus *Imp.*

Council of *Constantinople*, *Monothelite*, that Condemned the VI. Council. *An.* 712.

Leo Isaurus *Imp.*

Councils not called by the Emperour.

1. Council of *Rome* under Pope *Greg.* II. *An.* 721.
2. of *Rome*, *sub. Eod.* 724.
3. of *Rome*, *sub Eod.* 726.

Leo Isaurus *Imp.*

Councils not called by the Emperour.

1. Council of *Rome*, sub. *Greg.* III. *An.* 731.
2. of *Rome*, *sub. Eod.* 732.

Constantinus Copronymus *Imp.*

Council called by the Emperour.

Council of *Constantinople*, Iconoclast, &c. *An.* 754.

Councils not called by the Emperour.

1. Council of *Rome*, sub. *Zachar.* P. *An.* 743.
2. of *Rome*, *sub Eod.* 745.
of *Rome*, sub. *Stephan* III. 769.

Constantinus

Conſtantinus & Irene *Imp.*

Council called by the Emperour.

2. Council of *Nicæa.* Gen. Iconolatr. *An.* 787.

Council not called by the Emperour.

Council of *Friuli.* *An.* 791.

Leo Armenus *Imp.*

Council called by the Emperour.

Council of *Conſtantinople* Iconomach. *An.* 814.

Michael *Jun. Imp.*

Council called by the Emperour.

Council of *Conſtantinople* Iconolatr. *An.* 842.

Michael III. *Imp.*

Councils called by the Emperour.

1. Council of *Conſtantinople* againſt *Ignatius* by *Bardas*, under the Imperial Intereſt. *An.* 858.
2. of *Conſtantinop. con. eund.* 859.
3. of *Conſtantinop. con eund.* 861.

Council not called by the Emperour.

Council of *Conſtantinople* under *Ignatius* againſt *Gregory* of *Syracuſe.* *An.* 854.

Councils

Councils called by the Emperour.

VIII. General at *Constantinople*, so called for the Restitution of *Ignatius*. *An.* 869.

Another at *Constantinople*, that after *Ignatius* his Death, restored *Photius*, called also by others the VIII. General. *An.*

XL. *Reflections on Imperial Changes.*

AND here I end the Series of the *Imperial* Synods. Not have I thought fit to run through the particularities of the Synods since the VI. General Council, though there is infinite variety of matter against the *Doctor*'s Notions, and such as will hold good, even in those Corrupt and Tyrannical Ages. But to the disadvantage of his Cause we may note, that by the Domination of Emperours the Church of the Empire was often plagued with Synods against Synods, and Doctrines against Doctrines, and that in very quick and short turns, according to the Vicissitude of Humours, or Interests: From the time of the Emperour *Leo*, down to the Council that restored *Photius*, the *Imperial* Church was nothing else but a Scene of Impieties, Villainies, Miseries, and Contradictions; all which were the effects of the Imperial Conduct and Tyranny, to which they were sollicited generally by Hereticks, Popes, and great Patriarchs, by all the wretched ways of Insinuation: till at last all the lesser Bishops being eclipsed and enslaved, the Emperours could make Councils, do what they pleased, even to the grossest Contradictions. Thus the VI. Council under *Pogonatus* at *Constantinople* condemned *Monothelism*, *An.* 680. But *Philippicus* a *Monothelite* Emperour could get a Council at *Constantinople* to condemn the VI. Council, *An.* 712. *Constantinus Copronymus* called a Council at *Constantinople*, *An.* 754. that destroyed all Images; but *Irene* could call a Council at *Nicæa* to condemn that *Iconoclast* Council and,

and ordain the Worſhip of Images, *An.* 787. which *Leo Armenus* could again condemn in a Council at *Conſtantinople*, *An.* 814. and *Michael* II. as eaſily re-eſtabliſh in a contrary Council at *Conſtantinople*, *An.* 842. *Michael* III. could procure three Councils to condemn *Ignatius* P. of *Conſtantinople*, and ſet in *Photius*; and *Baſil* could call one to condemn theſe Councils, reſtore *Ignatius*, and Anathematize *Photius*; and yet after the Death of *Ignatius*, the ſame *Baſilius* could in a pretended General Council at *Conſtantinople* vacate and deſtroy all the Acts of the former againſt *Photius*, and ſanctify him again unto the Patriarchate. To all which purpoſes the Courſe of Perſecutions had made the poor degenerous Biſhops ſo tractable, that they knew what they muſt do by the known Will of the Emperour, as ſoon as they were called, and before they came together, and prepared themſelves accordingly, and did whatſoever was expected, with their uſual Flatteries, and Acclamations to the Emperours, Popes, and Patriarchs, according as their Intereſts prevailed. The ſcandalous Hiſtories and Memorials whereof, cannot but ſet any generous Man's Soul and Teeth on edge againſt ſuch an accurſed *ſort of Supremacy*, which *both Popes*, and *Emperours* exerciſed over the poor oppreſſed and degenerated Church, which yet was much leſs, and ten-times more innocent, than *That* which the *Doctor*'s Principles pretend to juſtify.

And now I am ſure I have done my Duty to the ſecond Canon, in ſetting forth the Authorities of Chriſtian Emperours in the Primitive Church over Synods Eccleſiaſtical, and do hereupon heartily acknowledge that our Kings, as Chriſtian Sovereigns, (beſide the Prerogatives of our Original Conſtitution) have the ſame in their Dominions, and (if God pleaſes) let that Man be an *Anathema* that denies it; but (if God Pleaſes) let the ſame *Anathema* be upon all thoſe, that conſecrate either *Papal*, or *Imperial* Tyrannies into Authorities, *that call Evil Good*, and *Good Evil*, *and put Bitter for Sweet*, *and Sweet for Bitter*.

XLI. *Of the Councils of* Rome, *under* Fælix III. *An.* 483, 484, *&c.*

HAving thus finiſhed our Travels through the Synodical Hiſtories of the *Roman Empire*, we are to deſcend to the States and Kingdoms of the *Weſtern Europe*, which the Barbarous Nations ſettled upon the Ruins of the Empire. In which we are to diſtinguiſh two different States of the Church; *one* and the *firſt* under the *Arian* Princes of the ſeveral Countrys, for ſuch they all were at their firſt Conqueſt: The Second after the Converſion of thoſe Princes to the Catholick Church. In the former State the Church ſubſiſted ſeparately and independently from the Civil Conſtitutions. But in the latter the Church became *concorporate with the* Civil States, and her Synods were admitted to the Conduct of ſome Civil Affairs alſo, as well as Eccleſiaſtical, and the Civil Powers engaged for the ſupport by Laws all the Powers and Ordinances Eccleſiaſtical; for which however there were no *formal Precedents*. The General Councils of the Empire had given theſe Princes *ſome Pattern*, and thereby *Temptation* to affect an Intereſt in Eccleſiaſtical or Synodical Buſineſs, but *none* for ſuch as was Eſtabliſhed by the Churches *Incorporations*. Theſe were the Products of new Counſels, and altogether upon their ſeveral Worldly Proſpects. The great Figure, that the Pope made in the World, put him upon ſending Embaſſies to Barbarous Princes in order to their *Converſion by him*, and from thence *Submiſſion to him*; in Matters Chriſtian, of this Mediation, Oppreſſed Churches have great need, and ſo Submiſſively applied themſelves to the Pope for it. This drew the Pope and Kings firſt into Concert, in which the Pope was ready enough to grant them ſeveral Powers over the Churches, which might ſecure them all under his Supremacy, and ſo put them upon calling Councils, and promoting his Propoſals, and vindicating his Decrees. The Princes finding the Eccleſiaſtical Intereſt ſo neceſſary to their ſupport, gives ſecular Privileges to the Church, and Authorities to their Biſhops and Synods; and they hereupon, in Court to their Princes, Complement them into the Eccleſiaſtical Concerns, that ſo by this means their Conſtitutions and Authorities might be enforced by

Laws.

Laws, and cramp all oppoſition by ſecular Force. Nor can there *any other* account be given, I believe, but this, how Kings came to ſo much Supremacy *over*, or *in* Synodical Matters, and Popes to be ſo advanced over all, both Kings and Churches. But theſe, being of ſo late, and meerly Politick Originals, cannot preſcribe for an eternal Right and Obligation; except we will at once divide the Spoil between *Pope* and *Princes* according to their own *Concordates*, and ſo give the Priority of Order to the Pope. Whatſoever internal Authorities therefore Princes required in Affairs Synodical by ſuch Incorporations, which were not before habitually in the Emperours, muſt be the effects of Contract; to which the Conceſſion of the Pope alſo generally (at leaſt tacitly) concurred; his *Legates* generally concerning themſelves in all ſuch Negotiations. 'Tis true, Princes, thus Originally Eſtabliſhed, many times exorbitated from a *contracted* to an *arbitrary* Power, even to the contempt of the Pope, as well as their Churches; and this occaſioned counter-ſtruggles between them; as on the other hand the Pope, looking upon theſe Kings as his Miniſters or Vaſſals, exacted unreaſonable Services and Acknowledgments, which made them to defy and croſs him, not only in thoſe, but many other purpoſes, like Perſons in a State of War, under which the poor Churches fell into ſeveral Diſtractions and Oppreſſions between them. Nothing therefore can be preſcribed as to Doctrine, Principles, and Conſcience from any Practices, ſince the fall of the Empire, that carry not their own Equity in them, and Conformity to more Ancient and Catholickly allowed Maxims, Conſtitutions, or Uſages. Yet ſince the *Doctor ex abundanti* brings in great heaps from theſe too, to overwhelm his Adverſary, though they do not at all prejudice our Cauſe, which renounces them as no *Precedents* for Principles, yet the *Doctor* will be concluded by all that in them runs counter to his *Aphoriſms*, and *Notions*; becauſe he has referred to them as Authoritative againſt us; and ſo muſt be content, if we plead them againſt himſelf. An Chr. 483, 484.

We begin then with *Italy*, under the Reigns of *Arian* Kings. And here firſt of all under *Odoacer* King of the *Heruli*, Lord and King of *Italy*, we find Pope *Felix* the III. not only calling Councils at *Rome* without him, but alſo *in* and *by* them treating with Patriarchs under the Empire of *Zeno*, and with *Zeno* himſelf, nay, and acting

An. Ch. 483, 484.

Authoritatively againſt *Acacius* of *Conſtantinople*, *P. Mongus* of *Alexandria*, and *Peter Fuller* of *Antioch*, as may appear by the Epiſtles of this Pope, and his two Councils held hereupon, *An.* 483, 484. And all this without any reprehenſion or Cenſure by *Odoacer*, or *Zeno*, or the Churches of that Age, for acting *uncanonically* againſt either *Odoacer*'s, or *Zeno*'s Supremacy; to whom his Synods *were not at all of Counſel*, nor in any one Point *Subject*. The *Doctor* Perhaps will aſſert this an *Uſurpation* upon *Odoacer*, and *Zeno*; but firſt he is obliged to ſhew this to be ſo by ſome Catholick Rule, or Senſe of the Catholick Church; which, I doubt, is a hard Point for him to be put upon; ſince none of theſe Princes, nor the Pope's Adverſaries, lay this to his Charge. And ſecondly, if it had been ſo, the *Doctor* ſhould not have preſcribed from any Churches in lower Ages, where the Pope made the ſame claims of Power, and was acknowledged therein by the Kings, and Churches, to the utter Renunciation of thoſe Royalties, which the *Doctor* aſſerts to them. Several other Councils I could farther inſtance in under ſucceeding Popes, and *Arian* Princes, called, ſitting, and acting without any Royal Authority; but in ſtead of theſe, I will ſee what Inſtances can be found out for the *Doctor*'s *Hypotheſis*, and try how near they come to it, and how far they fall ſhort of it.

XLII. *Of the Council at* Rome, *called by King* Theodorick, *againſt* P. Symmachus, *An.* 501.

THERE having been a great Faction at *Rome* againſt *P. Symmachus*, and that even among the *Senators*, by the Party that had ſet up *Laurence*, they accuſed him to *Theodorick*, that was indeed an *Arian*, but at this time a fair and equal Prince. (1.) The Matters charged were ſuch Immoralities, as any Prince might have Subjected to a *Civil Tribunal*: And, had they been true, required at leaſt a Synodical one, could that have been any wiſe actually had. But the Popes had advanced their Primacy to ſuch

(1.) *The Synod calls him* Rex piiſſimus ſancti Principis, &c. *The Notes ſay, in Complement.*

an heigth, as that the World, or at leaſt *Italy*, generally believed him unaccountable to any Synod; which alſo none but he could call at *Rome*, without the Pope's Conſent. Upon this it was, that ſeveral of the Biſhops demurred againſt the Convention to *Theodorick*, who inſiſted not on the *Sole Right of the Regal Supremacy*, but the *Pope's own Conſent*, though he had before in *Fact* by a Royal Commiſſion made *Peter* Biſhop of *Altinum* his Viſitor, and even in the beginning *Symmachus* and *Laurence* had referred their Cauſe to his Determination. But the Truth is, Immoralities of a Vicious Turpitude are ſo Vile, as that no Dignity Eccleſiaſtical ſhould exempt the Criminal from any Secular, or Eccleſiaſtical Cenſure; much leſs from a Synodical Judicatory. To which, if Provincial Biſhops are ſlow againſt their Primate, the Prince may oblige them by his Royal Authority upon a fair and well grounded Complaint, and puniſh them for neglect of his Command herein, provided he becomes no Party in the Canonical Proſecution. And hence *Theodorick* tells the expoſtulating Biſhops, *that many horrid things had been brought to him in charge againſt the Pope, which ought to be judged in a Council, which he therefore had called, even the Pope conſenting*, becauſe he could not avoid it. But there is one thing, which the Paper, Written againſt this Council, charges upon it to a *nullity*; namely, that the King had not convened all the Biſhops, and that the abſent had not conſented to that Council's Abſolution of the Pope; (2.) which utterly marrs our *Doctor*'s 3d, 6th, and 8th, *Aphoriſms*. An. Chr. 501.

(2.) *Ap. Ennod. Libel. Apologet. pro.* 4ta. *Synod.*

After the *Call* come we to the *Acts* of this Synod, and their recognized Authority; for the *Doctor* is injuriouſly ſhort in his glance upon *this*. (3.) The Pope then required a Reſtitution of what had been taken from him, and himſelf to be re-inſtated into his Dignity, before he would plead to his Charge.

(3.) Auth. of Chr. Pr. *p.* 20.— *Theodorick ſummon'd another Synod at* Rome *to judge of the Crimes alleged againſt* Symmachus— *and ſubmitted the Determination— to their Reſolution*, as if it were purely Arbitrary, and not *ex jure*.

This moſt part of the Synod thought Equal, yet durſt not preſume to decree *this* without the King's Conſent, becauſe of the *Secular* concerns in it; which the indiſcreet

An. Chr. 501.

Management of their *Legates* could not obtain; and so the Pope submitted without such amends first made him. But, at his Appearance, having with great difficulty escaped Murther, *he would no more appear, as* (forsooth) *not bound by the Canons, , but be was in the King's Power.* Whereupon the King surrenders the matter, and says, (4.) *that it was at the Discretion of the Synod to prescribe Rules to be followed in so great a Business*; *and that* nothing of Ecclesiastical Matters *pertained to* him *but* Reverence: and so left them at liberty and discretion to judge of the Cause, provided they restored Peace to all the Christians of the City; which the Council esteemed a just Offer. And this he did not as of *Grace*, but in Opinion of his *Duty*: For in his *Precepts*, or rather *Answers* to the Consultation of the Council, He tells them, *he did not think it proper for him to Censure* Ecclesiastical Matters, *and therefore they should not expect from him a prescribed Form of Judgment*; *that they should not Fear his Person, whether they determined it, or not*; *being they should be accountable to god herein*; only he gives them his Opinion, *that if they omitted the Discussion of the Cause, they would give an exemplary encouragement unto Priests of evil Conversation.* (5.)

(4.) *Respondit in Synodali esse arbitrio in tanto negotio sequenda prescribere, nec aliquid ad se præter reverentiam de rebus Ecclesiasticis pertinere; committens etiam Potestati Pontificum, ut sive propositum vellent audire negotiam, sive nollent, quod magis putarent utile deliberarent, dummodo venerandi provisione Concilii pax in civitate Romana Christianis omnibus redderetur.*

(5.) *Vid. Præcept. Reg. dat. Concil.*

Council called by the King.

3d Council of *Rome.* *An.* 501.

Councils not called by the King.

1. Council of *Rome*, sub. *Gelas.* I. *An.* 492.
2. of *Rome*, sub eod. 494.
3. of *Rome*, sub. *Symmach.* 499.
4. of *Rome*, sub. eod. 502.
5. of *Rome*, sub. eod. 503.
6. of *Rome*, sub eod. 504.

of *Rome*, sub. *Hormisd.* 518.

Athalaricus

Athalaricus *Rex Italiæ.*

Councils not called, &c.

1. Council of *Rome*, ſub *Bonifac.* II. *An.* 531.
2. of *Rome*, ſub. eod. *Eod.*
of *Rome*, ſub. *Joan* II. 532.

Euricus *Viſigoth & Arian R.*

Councils called without the King.

Council of *Arles.* *An.* 475.
of *Lyons.* *Eod.*

Alaricus *Goth. & Arian R.*

Council not called, &c.

Council of *Agatha* by *Permiſſion* of the King. *An.* 506.

Council called by the King.

Council of *Orleance* of mixt Authority, as appears by the Canons, and to be approved by the Prince in order to its *greater Authority* with the People. *Epiſt. Synod. ad Reg.* yet confirmed not by any Edict, but by the Synod it ſelf, *quam vide.* * *An.* 511.

Clodovæus *R. Franc.*

* Præf. *ut hoc quod vobis Statuerunt, etiam Scripturæ teſtimonio roborarent.*

Council called by the King.

Council of *Epaone*. Mixt Matter, not confirmed by Edict. *An.* 517.

Childebertus *R. Francor.*
Sigiſmundus *R. Burgund.*

Councils not called by the King

1. Council of *Lyons*, againſt the good pleaſure of the King, as may be ſeen by the four firſt Canons. *An.* 517.
4. of *Arles*.
of *Carpentoracte*. 527.
2. of *Orange*, invited by *Liberius* a *Patrician*, to the Dedication of a Church by him Built, and there on their own Authority decreeing Chapters of Grace and Free-Will. 529.

Childebertus *R. Francor. cum* Theodobert, *&c.*

Councils called by the King.

2. Council of *Orleans*, not confirmed. *An.* 533.
5. of *Orleans*, after the Death of *Theodobert*, Mixt. 549.

Childebertus, Theodebaldus, *R. R. Fr.*

Council of *Toul*. *An.* 550.
2. of *Paris*, by *Invitation* of King *Childebert*, not confirmed. 555.

Councils not called by the King.

3. C. of *Vaſio*, appointed by that of *Carpentoracte*. *An.* 529.
of *Arvernæ*, now *Clermont*, with *Conſent* of King *Theodebert*. 535.
3. of *Orleans*, of mixt Matter, and Authority, not confirmed. 538.
4. of *Orleans*, mixt, *&c.* 541.

2. of *Avernæ*. 549.
5. of *Arles*. 554.
3. of *Paris*, mixt matter, *&c.* 557.

Charibertus

Charibertus *R. Francor.* Guntranmus

Council called by the King.

2. Council of *Lyons*, not confirmed. *An.* 567.

Councils not called by the Kings.

Council of *Saintes*, which depoſed *Emerius*, made Biſhop of *Saintes* by King *Clotharius* his Command, againſt the Canons; for which they dearly paid for it *vi, armis, & multis* under King *Charibert*, who reſtored *Emerius*. *An.* 563.

2. of *Tours*, by the *Connivance* and *Conſent* of K. *Charibert*. 567.

Chilpericus *R. Francor. cum fratrib.*

Council called by the King.

Council of *Paris*, Tyrannically, and Fraudulently depoſing *Prætextatus* Biſhop of *Rouen* upon a Secular Cauſe. *An.* 573.

Councils not called by the King.

4. Council of *Paris*, believing it ſelf called by the *Connivance* of King *Sigebert*. *An.* 573.

of *Antiſiodore*. 578.

Councils called, &c.

Council of *Chalon*, by the Command of K. *Guntramn*. *An.* 579.

C. in a Village called *Brennacum*, demanding of the King *Chilpericus* to ſhew cauſe why he ſhould not be Excommunicated for Slanderouſly Proſecuting *Gregory* of *Tours*, for defaming the Queen, as an Adultereſs with Biſhop *Bertheramn*. 580.

1. of *Maſcon*, by King *Guntramn*, of mixt matter, &c. not confirm'd. 581.

Chilpericus *R. Francor. cum fratrib.*

Councils not called by the King.

Council of *Saintes*; *An.* 579.

3. of *Lyons*. 583.

2. Council

2. Council of *Mascon* mixt &c. confirm'd by *Guntramn*, &c. *An.* 585.
5. of *Paris*, of mixt matter, &c. confirmed. 616.
of *Moscan.* 627.

Clotharius II. *R. Francor.* &c.

Council of *Arvernæ.* *An.* 588.
of *Sauriciacum.* 589.

Dagobertus *R. Francor.*

Council of *Rhemes.* *An.* 630.

Clodoveus II. *R. Francor.*

Council of *Orleans.* *An.* 645.
of *Challon*, mixt &c. not confirmed. *An.* 650.

Council of *Nantes*, by the *Command* of the *Pope*, and the *Encouragement*, or *Favour* of the *King.* *An.* 658.

Theodoricus *R. Francor.*

Council of *Rouen*, by Command of the Pope. *An.* 682.

Childericus III. *R. Francor.*

Council called by the King.

Council of *Soissons* by the *Pippin* Prince, &c. with the *Consent* of the *Bishops*, and *Conference* with the *Peers.* *An.* 744.

Pippinus

Pippinus *R. Francor.*

Councils called by the King.

1. C. of *Verneville*, mixt. *An.* 755.
of the Palace *Compendium.* 757.

Councils not called by the King.

1. C. of *Verberie*, mixt. *An.* 752.
of *Metz*, mixt. 753.

Carolus *M. R. Francor.*

Councils called, &c.

C. of *Aix la Chapelle.* *An.* 799.
of *Aix la Chapelle.* 809.
6. of *Arles*, mixt, &c. 813.

Carolus *M. Imp.*

2. Council of *Rhemes.* *An. Eod.*
3. of *Tours.* *Eod.*
2. of *Challon.* *Eod.*

Ludovicus Pius *Imp.*

Councils called, &c.

Council of *Aix la Chapelle.* *An.* 816.
6. of *Paris.* 829.
2. of *Aix la Chapelle.* 836.

Councils

Councils called, &c.

Carolus Calvus. *R. Francor.*

2. C. of *Verneville.* *An.* 844.
of *Beluacum* mixt. 845.

Councils not called, &c.

Council of *Meldæ*, or *Meaulx*, by the King's Consent. *An.* 845.
of *Paris.* 846.

And here we will conclude our Catalogue of *French* Councils.

Spain.

Theodoricus *R. Hiſp.*

Councils not called, &c.

Council of *Aragon.* *An.* 516.
of *Gerundæ.* 517.
of *Lerida.* 524.
of *Valence.* *Eod.*

Amalaricus *R. Hiſp.*

Councils not called, &c.

2. Council of *Toledo.* *An.* 531.

Teudis *R. Hiſp.*

Council of *Barcelona.* *An.* 540.

Council

Council called, &c.

Council of *Lugo*, which at the desire of the King Constituted more Metropolitan and Episcopal Sees, as not knowing the Doctor's Aphorisms. *An.* 569.

Theodomirus *seu* Ariamirus. *R. Suev. in Gallæc.*

1. Council of *Braga. Post. An.* 563

Miro *R. Suev. in Gallæc.*

Councils called, &c.

2. Council of *Braga.* *An.* 572.
2. of *Lugo.* *Eod.*

Recaredus *R. Hisp.*

Councils called, &c.

3. Council of *Toledo* National, of Mixt Matter, &c. Subscribed by the King, and the Bishops, *confirmed* by the Council with the K's. Consent. * *constitutione firmate.* Let the *Doctor* Note this.

* Orat. R's. ad Synod. *mea vobis consentiente clementia* —— *immobili*

Council of *Narbon, ex definitione Concilii 3ii Tolet, & ordinatione Regis.* *An.* 589.

Councils not called, &c.

1. Council of *Sevil.* *An.* 590.
2. of *Saragosa*, by the King's *Permission.* 592.
of *Toledo.* 597.
of *Osca.* 598.
of *Barcelona.* 599.

Gundemerus

Gundemarus *R. Hiſp.* — *Council not called,* &c.

Council of *Toledo.* *An.* 610.

Sifebutus *R. Hiſp.* — *Councils not called,* &c.

Council of *Aragon.* *An.* 614.
2. of *Sevil,* in which were preſent two Noble Rulers. 619.

Siſenandus *R. Hiſp.*

Council called, &c.

4. Council of *Toledo, in which the King, humbly proſtrating himſelf to the Ground before the Biſhops, beſought them with Tears in his Eyes to right Matters,* concealed by Doctor *Wake: Auth. of Chr. Princ.* p. 22. *An.* 633.

Council called, &c. — Cinthila *R. Hiſp.*

5. Council of *Toledo, in which the King humbly commended himſelf to the Prayers,* &c. *whoſe Chapters were at the King's Precept Eſtabliſhed by the Decree of the Biſhops,* concealed likewiſe by the *Doctor. Ibid.* *An.* 636.

Council

Council called, &c. Cinthilanus *R. Hiſp.*

6. Council of *Toledo*, confirmed by the Biſhops alone. *An.* 638.

Council called, &c. Chindaſuindus *R. Hiſp.*

7. Council of *Toledo*, mixt, or rather ſecular matter. *An.* 646.

Council called, &c. Receſwinthus *R. Hiſp.*

8. Council of *Toledo*, mixt, in which the King humbly bowed to the Biſhops, who thereupon alſo made their like Obeiſance. *An.* 653.

Councils not called, &c.

9. Council of *Toledo*. *An.* 655.
10. of *Toledo*, by the King's *Favour*, or *Licence*. 656.
of *Emerita*, by the King's *Favour*. 666.

Council called, &c. Wamba *R. Hiſp.*

11. C. of *Toledo*, mixt. *An.* 675.

Council not called &c.

3. Council of *Braga*. *An.* 675.

Ervigius

Ervigius *R. Hiſp.*

Councils called, &c.

12. Council of *Toledo*, mixt, in which the King humbly bowed himſelf to the Synod. *An.* 681.
13. C. of *Toledo*, wherein the K. humbled himſelf to the Council, and earneſtly entreated them to Eſtabliſh what was convenient, by their Power and the Holy Spirit, and after his Speech departed; ſubſcribed by the Biſhops and Nobles, and Confirmed by the King's Edict. 683.
14. of *Toledo*. 684.

Egica *R. Hiſp.*

Councils called, &c.

15. Council of *Toledo*, mixt, the King humbling himſelf, and requeſting the Sanction of the Synod on his *Tome* by the Holy Spirit, and ſo withdrawing (*concealed by the Doctor* p. 22.) ſubſcribed by Biſhops, Abbots, Biſhops Repreſentatives, and Nobles, and confirmed by the King's Edict. *An.* 688.
C. of *Saragoſa*, mixt, confirming Canons, by its own Virtue and Subſcription. *Præf.* 691.

16. C. of

16. C. of *Toledo*, the King humbling himſelf, and requeſting their Sanction on his *Tome*, and ſo withdrawing *(concealed by the Doctor*, p. 22.) ſubſcribed by Biſhops, Abbats, Biſhops Repreſentatives, and Nobles, but not confirmed by the King.

Council called, &c. Egica *R. Hiſp.*

17. of *Toledo*, mixt, with the ſame Forms of Humiliation, and confirmed by the King's Law. *An.* 694.

Germany. *Council not called*, &c.

Council of *Utrecht.* *An.* 697.

Carlomanus *R. Auſtriæ.* Taſſilo *Dux Bavar.*

Councils called, &c. *Council not called*, &c.

1. Council of *Germany*, which the *Doctor* takes for the 2d. at *Liptines*. p. 54. *An.* 742.
2. of *Germany*, at *Liptines*. 743.
3. of *Germany*. 745.

Council of *Dingoluingum* in *Bavaria*. *An.* 772.

Councils called, &c. Carolus *M.*

Council of *Rogensburgh.* *An* 792.
of *Frankford.* 794.
of *Mentz.* 813.

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1. C. of *Mentz*, by command of King *Louis.* *An.* 847.
3. of *Mentz.* 852.

Lotharius *Imp.*

2. C. of *Mentz.* *An.* 847.

Council of *Wormes.* *An.* 868. Ludovicus II. *Imp.*

Carolus Craff. *Imp.*

Council of *Cologne*, by *Consent* of the Emperour, and Arch-Bishop of *Mentz.* *An.* 886.

Arnulphus *R. German.*

Council called, &c.

Council of *Mentz*, mixt. *An.* 888.

And here I will end *Germany.*

XLIII. *Of*

Great Britain.

XLIII. *Of the Councils of* Great Britain.

WE are now come home to our own Country, whoſe conciliar Hiſtory the *Doctor* pretends to trace from its Originals, in countenance to his Deſign. And indeed it muſt be owned, that he goes back very high, even up to King *Oſwi*, *An.* 664. if his Inſtances would come up to his Purpoſe; but their deficiency herein, notwithſtanding all the Advantages he ſets them off in, ſhews plainly, that all was but a laborious Impertinence, and vain ſhew to confute himſelf by the Oſtentation. But ſuppoſing they had been more oppoſite, yet conſidering that the *Saxon* Converſion and Models had their firſt riſe from the Pope, who at that time pretended an Eccleſiaſtical Supremacy over the whole Church, eſpecially over thoſe of his Converſion; and employed Kings as his Inſtruments to ſubdue all oppoſition againſt it (as was probably done here in the beginning of the *Saxon* Converſion) the Domination of the *Saxon* Kings over the Church under the Councils of the Pope, carries no fair Complection. I confeſs the Pope ſuffered but the *Jus talionis*, when ſome of thoſe Kings uſed him as contemptuouſly as they did their own Biſhops; but this contempt, though juſt againſt the Pope, yet could not juſtify a *Domeſtick Domination*, which the Pope firſt gave them under himſelf, and upon which (as well as the then over-grown Superſtition to St. *Peter*'s Chair, that had ſeized the generality of Kings and Biſhops, eſpecially in the *Latin* and *Weſtern* Churches) they under *Regal Oppreſſions* appealed ſometimes to the *Holy See*. But however, ſince every Author muſt be left to his own Conduct, I will take the ſame Liberty, and begin as high as it is poſſible.

Council not called by Secular Powers.

Great Council of *Verulam* against the *Pelagian Hereſy*. *Spelm. Con.* Tom. I. p. 47. *Collect. Reg. Pariſ*, Tom. VII. p. 295 *An.* 446.

XLIV. *Another Council under* S. German, *An.* 449. Vortigernus *R. Brit.*

TO ſecond and illuſtrate this Truth, that the aforeſaid Synod of *Verulam* was not convened by *Imperial Power*, I ſhall preſent the Reader with a full account of another *Britannick Council* three Years after, againſt the ſame *Hereſy* new growing, out of Sir *Henry Spelman* almoſt *Verbatim* Tranſlated. *Tom.* I. *p.* 49.

Bed. l. 1. *Cap.* 21. Matth. Weſt. *in An.* 449.

The ſame Year (viz. 449) *it was diſcovered, that the* Pelagian *Perverſeneſs did bud out again in* Britain, *through a few Authors; and again the Prayers of* all the Prieſts *are carried to St.* German [Biſhop of *Altiſiodore* in *France*,] *that he would defend the Cauſe of God, which he had before carried.* [in the Congreſs at *Verulam*] *To whoſe Petition he readily yields; and taking with him a very Holy Man,* Severus, *who had been a Diſciple of* Lupus, *Biſhop of* Troyes, *and was now Biſhop of* Triers, *he put to Sea, and came to* Britain, *and by his means the Hereſy, with its Authors was Condemned, and and ſo the* [French] *Biſhops went home again.*

Matth. Weſt.

Nennius in *M. S. Cap.* 37. ——*King* Guorthigirn *took his own Daughter to Wife, who bare him a Son, for which St.* German, *with all the Clergy of the* Britons *came to rebuke the* King, *and there being a great* Convention *of the* Clergy *and* Laity *in one* Council, *the* King *pre-admoniſhed his Daughter, that ſhe ſhould go forth to the Aſſembly, and give her Son into* German's *Boſom, and ſay, that* he was the Father. *And ſhe did, as ſhe was inſtructed. St.* German *took him kindly, and ſaid,* I will be a Father to thee, nor will I allow thee, but to give to thy Carnal Father a *Razor, Forceps,* and *Comb. The Child preſently obeyed the Holy* Senior, *and went*

to his Carnal Grandfather and Father Guorthigirn, *and ſaid to him,* My Father, do you poll my Head, and comb my Hair. *But he was ſilent, and would not anſwer the Child, but roſe up in a great Rage, ſeeking to fly from the Face of St.* German, *and was accurſed, and condemned by St.* German, *and all the Council of the* Britons.

Theſe are the Relations, in which we are to note, that not only in the Buſineſs of the Inceſt the Council was not called by the King, but himſelf ſubject to the Curſe even of a foreign Biſhop; but alſo that in the *Pelagian* Affair the *French Biſhops* came over only at the Petition of the *Britiſh Prieſts.* The *Doctor* may diſcredit *Nennius*, for ought I know, as a Fabulous Author, but the other Relations cannot be ſupicious. Nor is there any juſt cauſe herein to condemn *Nennius*; however the *Fact* were, it appears agreeable to the Notions *he*, and *that Age* had of the *Britiſh* Diſcipline upon Vicious Kings in the Days of *Vortigern*, &c. before Popery, quite contrary to the *Doctor*'s Notions of the Regal Supremacy over Synods in *calling* them, and *confirming*, or annulling their Sentences.

Council not called, &c.

2. C. under St. *German. An.* 449.

Councils not called, &c.

Council of *Wales* in *Carnarvan*, that created *Aurelius Ambroſius* King of the *Britons*. *Spelm.* Tom. I. p. 60. *Collect. Conc. Reg.* Tom. IX. p. 498. *An.* 465.

C. of *Britain*, that made S. *Dubricius* Arch-Biſhop of *Caerleon*, and *Theliaus* Biſhop of *Landaff*. *Spelm.* Tom. I. p. 60. *Collect. Reg.* &c. Tom. X. p. 414. *ex Balæo Cantur.* I. *Theliae* 58. *An.* 512.

Arthur *R. Brit.*

Convention of *Britons*, that with Conſent of King *Hoel*, made *Chelianus* Arch-Biſhop of *Dole*. *Spelm.* Ib. p. 61. *Collect. Reg.* Tom. X. p. 622, 623. *Quære.* *An.* 516.

Arthur *R. Brit.* Esk. *R. Cant.*

Council of *Britain*, againſt *Pelagianiſm*, under *David* then removing the Arch-Biſhoprick of *Caerleon* to St. *Davids*, with Conſent of King *Arthur*. *Spelm.* Tom. I. p. 61. *Collect. Reg.* &c. Tom. X. p. 659. *An.* 519.

Irmericus *R. Brit.*

1. Council of *Landaff*, called by *Oudoceus* the 3d Biſhop of *Landaff* againſt *Maurice* King of *Glamorgan*, in which he was excommunicated for the Perfidious Murther of *Cynetu*, and accurſed by the People, with the confirmation of the Clergy. Upon which he at length humbled himſelf with Tears, aſked Pardon of *Oudoceus*, and took his Penance. *Spelm.* Tom. I. p. 64. *Collect. Reg.* &c. Tom. XII. p. 567. *Circ. An.* 560.

Councils

Councils not called, &c.

Of these Councils of Landaff, *and other latter ones on the like Occasion, see Sir* H. Spelm. *Notes.* Tom. I. p. 386. *But these here could not be Subject to the* Engliſh *Kings, nor ſuch Subjection a Defence againſt Eccleſiaſtical Cenſure.*

2. C. of *Landaff* called by the ſame *Oudoceus* upon King *Morcant*, for the Perfidious Murther of his Uncle *Frioe*, &c. much like the former. *Spelm.* Tom. I. p. 63. *Collect. Reg.* &c. Tom. XII. p. 558.
3. C. of *Landaff*, called by the ſame *Oudocens*, and Excommunicating *Guidnerts* for a like cauſe, &c. *Spelm.* Tom. I. p. 63. *Collect. Reg.* &c. Tom. XII. p. 559.

Athelbertus *R. Cantii.*

Council at *Auguſtines-ae*, in *Worceſter* ſhire, commonly called the Synod of *Worceſter*, in two Seſſions between *Auguſtine*, Arch-Biſhop of Canterbury, and the *Britons*, convened by the *help* of King *Ethelbert*. *An.* 601.

Council called, &c.

C. of *Streanſchealch*, or rather a *Conference* procured by the joint conſent of King *Oſwi* the Father, and King *Alchfrid* the Son, about Eaſter; by which, through a ſilly Argument from St. *Peter*'s Office of *Claviger*, King *Oſwi* was converted to the *Roman* Cuſtom, and Obedience to the Pope in Spirituals, and ſo improved the *Papal Uſurpations*, as *Edilfred* King of the *Northumbrians*, and *Ethelbert* King of *Kent* had done before. * *An.* 660.

Lotharius *R. Cantii.*

* *Is not this then a Bleſſed Precedent for the Supremacy of King* Oſwi, &c. *againſt the Pope?*

XLV. *Of the Council of* Herudford, *An.* 673.

DOctor *Wake* reputes the Synods held by *Theodore*, Arch-Biſhop of *Canterbury*, to be more *exact*, and more *eminent* than that of King *Oſwi*; and firſt this of *Herudford, in which the Biſhops of ſeveral Provinces being Aſſembled, agreed with* Theodore *upon many uſeful Conſtitutions; but by whoſe Authority it was called, it does not ſufficiently appear; but the conſtant Cuſtom of thoſe Days will not ſuffer us to doubt but it was by* Royal *Direction.* (1.) Now firſt of all I obſerve, that it is uſual for Men that ſerve a Cauſe in the *great doubts* to cry out *no doubt*; and ſo it is here, there being no relation of the King's Order, it is ſupplied by a *no doubt*, upon the Cuſtom of thoſe times. What! When there is no Cuſtom *produced*, or *producible* for it? And but one Inſtance before adduc'd, and that confeſſed *leſs exact* to the proof of the *Regal Supremacy* over Synods? But if the *Britiſh Precedents* will argue Cuſtom, how directly do thoſe brought by me, run counter to the *Doctor*'s Apprehenſions? But however, let us ſee whether it *does not ſufficiently appear by whoſe Authority it was called.* Thus then *Bede*: (2.) In the 3d Year of King *Egfride*, *Theodore* convenes a Council of Biſhops, who in the Text of their Acts ſay thus, *placuit convenire nos, it pleaſed us to convene, to treat of Eccleſiaſtical Affairs according to Canonical Cuſtom*; in which *Theodore* owns himſelf Arch-Biſhop of *Canterbury* by the appointment of the *Apoſtolick See*, and their Ordinances to be confirmed by the Subſcription of the Biſhops; all contrary to *Doctor Wake*, and King *Egfride*'s pretended Acts and Prerogatives.

(1.) Auth. of Chr. Pr. p. 167, 168.

(2.) *Ap. Spelm.* T. I. p. 152. *Collect. Reg.* T. XV. p. 499, 500.

XLVI. *Of the Council of* Heathfield. *An.* 680.

THE next Council under *Theodore*, which the *Doctor* Inſtances, is this of *Heathfield*, or *Hedtfeld*, noting of it alſo, that *though the Cuſtom will, no doubt, give it for the* King's Authority, *yet by whoſe Authority it met, it does not ſufficiently appear to us.* (1.) But I wonder he did conceal

(1.) Auth. of Chr. Pr. p. 167, 168.

conceal what is apparent. Know you then, that King *Ethelred* ſent Biſhop *Wilfred* to *Rome* to Pope *Agatho*, for the *Confirmation* of Privileges to the Monaſtery of *Medhamſtead*. And the Pope having paſt it, orders *Theodore* to call a Synod for the Eſtabliſhment. Upon which the King commanded *Theodore* to call a Council at *Hedtfeld*, which he did, and therein the Pope's *Breve*, or *Writ*, was *Read*, *Decreed*, and *Confirmed* by all, and therein alſo (except we will make this another *Hedtfeld* Council) was confirmed the Faith of the 5. Councils. (3.) And is not this a ſpecial Inſtance for the King's unlimited Supremacy againſt the Pope, whoſe Uſurpations were hereby countenanced? *&c.* Now ſince the *Doctor* knew all this, how can he be ſincere in concealing the Records, and turning them to pretences quite contrary to their Intention?

See who it was thus advanced the Pope's Supremacy.

(3.) *Spelm.* Tom. I. p. 163. *ad* 169.

XLVII. *of the Council of* Becanceld, *An.* 694.

THE Conſtitution of this was of mixt Perſons, and Intereſts; and ſuch as Doctor *Wake* from Sir *H. Spelman* deſcribes it; (1.) and therefore no wonder if it were ſo managed; yet I would have the *Doctor* note the Opinion of the King declared and received in this Council, *that nothing of Religious Matters belongs to the Empire of a Secular King, becauſe it belongs to his Perſon to make Princes, Prefects, and Secular Commanders, but that it is the Buſineſs of the* Metropolitan Biſhop *to rule the Church*, &c. See *Spelm* Tom. I. p. 189, 190. *&c. Collect. Reg.* Tom. XVII. p. 180.

(1.) Auth. of Chr. Pr. *p.* 171, *&c.*

Councils

Councils not called &c.

Council of *Landaff*, ſub. *Gurcan.* X. *&c.*
1. of *Landaff*, ſub. *Berthguin.* XIV. *&c.*
2. of *Landaff*, ſub. *Berthguin.* XIV. *&c.*

Vide Notas D. H. Spelm. *de quibus dubito.*

1. of *Landaff*, ſub. *Cerenir.* XVIII. *&c.* — Againſt Kings.
2. of *Landaff*, ſub. *Cerenir.* XVIII. *&c.*
of *Landaff*, ſub. *Galfrido.* XX. *&c.*
of *Landaff*, ſub. *Civeilliauc.* XXII. *&c.*

1. C. of *Landaff*, ſub. *Patre.* XXV. *&c.*
2. of *Landaff*, ſub. Eod. — Againſt Kings.
of *Landaff*, ſub. *Joſeph.* XXVIII. *&c.* *An.* 1034.

XLVIII. *The Concluſion.*

AND thus I end with the *Saxon* Monuments; the reſt being moſt of a Secular and Popiſh mixture, and in general impertinent, nay, contrary to the *Doctor*'s Notions; and ſuch, as being ſo corrupt, can preſcribe for no *Right*, either for the Pope, which they ſo much favour and advance, nor againſt him, becauſe the Inſtances are but rare, and in no wiſe uniform with the then received Rules and Principles. And therefore I look upon it as an horrid falſhood, and far from being made evident by the *Doctor*'s Inſtances, *that whatſoever the Synod and Council were, in which the Affairs of the Church were tranſacted, they depended entirely on the Princes Authority; who for the moſt part determined what was needful for them in the great Councils of the Realms, and when they did not, yet ſtill kept the management of the Eccleſiaſtical Convocations in their own hands*

hands, and ſuffered them not to meet, act, or eſtabliſh any thing but according to their good Pleaſure. (1.) (1.) Auth. of Chr. Pr. *p.* 173.

And here I think it convenient to end with our own Conciliar Hiſtories, without deſcending below the Conqueſt; becauſe from this *Epocha*, the *Doctor* dates the Uſurpations of the Pope and Clergy upon the Crown; and ſo whatſoever Inſtances ſhall be produced in *Fact* againſt his pretended Prerogatives, he will call all of them *Uſurpations*, though he has made no proof that *they were ſo*; nor does it lie upon me to prove the *Negative*, that *they were not ſo*. Yet will I freely grant, that all pretended Authorities of the Pope, brought in over the poor Church with the *Saxon* Converſion, upon the *Divine Right* of *Succeſſion* to S. *Peter*, and ſupported by the Power of our Kings, were *Uſurpations* upon the *Church*, becauſe thereby *forced* into an undue Subjection to the *Roman Chair*. And whatſoever pretended Powers of the Pope bow'd down the *Kings* through the deluſive and ſuperſtitious fears of his *Spiritual Interdicts*, *Cenſures*, and *depoſitions*, the ſame were *Uſurpations* upon the Crown, becauſe of the *undue force* and *awe*. But whatſoever Powers the Kings by meer *Concordates* ſetled upon the Pope, and were ſo received as *legal* by the Eſtates of this Kingdom, theſe it will be hard to charge as *Uſurpations* upon our *Secularities*. For Civil States, as well as Perſons, may part with their *Temporal* Rights and Liberties; but *Spiritual* Rights and Powers, neceſſary to the Conduct of Souls, and the State of the Catholick Church, according to God's Ordinance and its Primitive Conſtitution, are *inalienable*, and this Principle is the chief (perhaps the only) Argument, that can deſtroy the Pope's Pretenſions to the Supremacy over all Churches, eſpecially thoſe of the *Latin* and *Weſtern* World, which have in *Fact* admitted it. And I here take occaſion to report the Opinion of the very Learned and Candid Lawyer; who, upon debate with me on this very Point, granted, nay profeſſed, that the King and Parliament can Eſtabliſh the Pope in a Right of Supremacy over the Church of *England*, which he grounded on the *Legal Notions* he has of the King's Supremacy *transferrible* to any Perſon by Act of Parliament, and ſo juſtified the Pope's Proceedings upon us heretofore, that were received by our *Legiſlative*, as in form *Legal*. I did not urge that Worthy Perſon, as far as I might, with the other conſequences of his Principle, but only took occaſion to let him know,

know, that there is no Principle so secure to justify our Exclusion of the Pope, and to destroy even his Pretensions and Capacities, as that which I have asserted against the *Doctor*, and with that our Discourse hereupon fairly ended. And now I believe I have made good upon the *second Part*, what has been effectually done upon the *first Part*, viz. that the *Doctor* has violated the most important Truths of Principles and Histories, to serve a rotten, corrupt, and tyrannical *Hypothesis*; and have therefore gratified, what he calls *his pardonable Curiosity of seeing my new Discoveries*; (2.) by which *if he be not effectually cleared from those Reflections of mine, which he takes to be very grievous and scandalous*, he has however his second desires, in *having an Opportunity to clear himself*. Which if he can fairly do, I have no more to do, but publickly repent, and retract with all humiliation, deference, and honour; for I am so vain to think, that if he can discharge himself herein, he is the most wonderful Man alive: For my own part, I have delivered my Sincere Apprehensions of *Right* and *Fact*, without any partial Inclinations to the Church, or Aversion to the Rights of Princes; for as I shall gain nothing by the former, so neither shall I lose any thing by the latter; I have no Worldly *Ambitions*, Hopes, or Fears to Byas or Corrupt me; and he that will for *these*, or *any other* Considerations Consciously promote or palliate any Errours or Delusions, let him be *Anathema*. And therefore, if I am in Errour, it is hitherto unknown; and that I may not deceive my self, or others, I do, what in me lies, Conjure, Challenge, Provoke, Entreat, and Desire him upon all the Points of Honour, and Motives of Charity, and Justice to the Church of God, to Kings and Princes, to all seducible Consciences, and Particularly mine, to Answer both the *Former*, and this *Second* Book, fairly, fully, and openly, upon every Point, Notion, and Fact, Argument, and Inference, wherein he has been taxed. Let him no longer pretend little and empty Excuses, nor seek Evasions; let him not tell me again *that his* Superiors, *who set him first on Work, do judge my Pleas* Impertinent, *and himself* unconcern'd *in it*. Nor let him expect, that I should meddle with his *Law*, (which I never pretended) or oblige any other to it, (which is not within my Power.) The Doctrines, that reach all Consciences in the World, are the only things I am concerned in; for which our particular

(2.) *Dr.* W. 3. *Let. of Aug.* 25.—98.

particular Laws, and Judgments of our Courts are no *Standard*, *Rule*, or *Argument*; nor *Matter* of my Diſcourſe or Undertaking. Nor may the great bulk of an Anſwer now be any fair colour for a Lazineſs herein: For it was his own Fault that has brought this Labour upon him. I told him before, it would be his beſt way to confute my *firſt Book*, to prevent, among other Inconveniencies, the greater Labour and Difficulty of Anſwering *the Second* alſo; but nothing would do, *till he ſaw my whole Work before him.* And perhaps the 3d Part, being not yet offered, *That* may be his Excuſe; but I muſt tell him, that he has promiſed to defend his *Hiſtorical Integrity*, which this *Second* Book requires, and in which the *Third* will not be concern'd. And farther to his Comfort, my ſeveral Infirmities of Body, and Diſadvantages, are like to diſable me from going through a large Deſign, that will require ſo much *Critical Labour, Thought, Books, Writing*, &c. too hard for a Man Poor, and almoſt Blind, Alone, and Unaſſiſted; in which (though I have much Matter prepared) I am not to appear without a juſt and full Exactneſs. 'Tis true, I did once deſign it, while I thought that the Speculations would lie within a narrow Compaſs; but ſince by Experience I find it muſt be otherwiſe to do well, I am forced to conſider that Eaſe, which Infirmity, and the approach of declining Age, do in a manner Challenge from me; eſpecially, when I know that I muſt preach to a Deaf and Faithleſs Generation, and ſo beſtow that Labour in vain. † Since then the *Doctor* is now to expect no more, let him without any more ſhifts diſcharge himſelf of what already lies heavy upon him; if not, his very ſilence will be an *effectual* (though not an *ingenuous*) Confeſſion, *that he cannot do it*; and will lay a blemiſh not only on his *Abilities* and *Preſumption*, but his *Integrity* alſo, which I mention for a ſpur to quicken him, becauſe I am of Opinion his Courage will be very dull in this Point.

† F. Paul. *Let.* 34. *Eng. Vere. There is nothing worſe than to ſtand up for their Liberty, who love to be in Slavery. And there was good Reaſon for it in the Old Law, that a Servant, that would not leave his Service, ſhould have his Ear bored thro'.* Exod. 26. 6.

The laſt, but withal the moſt uneaſy taſk, which his Challenge puts upon me, and the Obſervations opprobriouſly demand, is, to prove his treatment of the Convocations with *Spight* and *Contumely*, and of his *Adverſaries* and *Brethren* reproachfully without any Provocation. Now, after my Reply to his Appeal, and the Paginal References to juſtify the Charge, Prudence would have directed Men to have been content, and not have forced

me

me to defend my ſelf by Quotations at large, which will be a little invidious to the Author, and yet if I give them not, I am Condemned for a *Slanderer*, and ſo there is a force put upon me, even againſt my Inclination.

XLIX *Of the* Doctor's *Spightful and Contumelious Uſage of* Convocations.

Authority of Chr. Princes. *p.* 82, 83.

"IT were indeed to be wiſh'd, that ſuch Venerable "Aſſemblies might always be compoſed of Men ſo "Wiſe and Prudent, and that they would proceed in all "things ſo calmly and impartially, that the Prince might "evermore find it to be both Juſt and Honourable for "him to take upon him the Protection and Guardianſhip "of their Definitions. But becauſe ſuch is the *Condition* "of Humane Nature, that *Paſſion* and *Prejudice*, *Ignorance*, "and *Intereſt*, *Noiſe*, and *Clamour*, oftentimes break in, "and confound the Proceedings of *theſe*, as well as of "*all other* Aſſemblies, and many things are *debated haſtily*, "*carried on with Faction*, and *concluded Unreaſonably*; 'tis "very fit and juſt, that the Prince ſhould give direction "to have their Actions carefully reviewed, and conſidered, "before he aſſents to them, that ſo he may not be *impoſed* "*upon*, *nor do either the* Church *or* Himſelf *a* Prejudice, *by a* "blind compliance *with the* Dictates *of his* Clergy.

p. 112. "They are, when met, to expect his ſpecial Direction, "and not to *ramble* after their own *Fancies*, &c.

p. 270, 271. "If former Abuſes have made it neceſſary for the *Go-*"*vernment* to put them under ſuch a *Reſtriction*, and the "*Clergy* have themſelves conſented to it, and thought "that (all things conſider'd) it would be ſafer for them "to Act by the *King's Direction*, than at the *Motion* of "every WARM, UNTHINKING MEM-"BER OF THEIR OWN BODY, who "ſhould throw a SNARE in their way, and run them "into ſuch Inconveniencies, as they ſhould not be able "eaſily to get out of: As in ſuch a Caſe, they would have "no liberty to judge, or make Laws without Licence; ſo "neither would they have *any need* to *diſcuſs*, when they had "*no Power* to *conclude* any thing.

"Now

" Now this I affirm to be *our Caſe*; and I muſt freely " own, I take it to be *our Happineſs*, that it is ſo. It being " MORE THAN PROBABLE, that had not " the Prince had *this Tie* upon us, we ſhould before this " time have run our ſelves yet into *worſer Diviſions* than " we now labour under; and in ALL APPEAR- " ANCE have expoſed both *our ſelves*, and *the Church* " for a *Prey* to the *Common Enemy* of *Both*.——— and " not *wander* upon other Matters, which ſhall *chance* to be " *ſtarted* by any of their own Members——— When " Mens *Paſſions* are *let looſe*, and their *Minds diſordered*: " When their *Intereſts*, and *Deſigns*, their *Friends*, and " their *Parties*, nay their very *Judgments*, and *Principles* " lead them different Ways; and they agree in *nothing* " ſo much, as in being very *Peeviſh* and *Angry* with one " another: When their very *Reaſon* is *depraved*, and they " *judge not* according to *Truth* and *Evidence*, but with " *reſpect of Perſons*; and *every one* oppoſes what another " of a different Perſuaſion either *Moves*, or *Approves* of; " what Good can the Prince propoſe to himſelf, or any " Wiſe Man hope for from any Aſſembly, that can be " brought together under the unhappy Influence of theſe " and the like Prepoſſeſſions?

Then thanks to K. J. in the late Reign for keeping us from ruining our ſelves into Popery. p. 272. p. 316.

" It was the Sence of *This* made a Wiſe Man in the laſt " Age, tell *Charles* the V. *that it appeared by Experience,* " *and might from Reaſon be demonſtrated*, that *thoſe Affairs* " *ſeldom ſucceed well, which were to be done by many.* And " if ſuch be the inconvenience, to which *numbers alone* " expoſes ſuch Meetings in the *beſt times*; " † Sure I am, both *Reaſon* and *Experience* " will much more convince us, that in times " of doubt and diſcontent, this will be more " likely to be the Caſe, *&c.*

† *An admirable Notion againſt all Parliaments, as well as againſt Wiſe* Solomon's *Notion*, *that* in the multitude of Counſellers there is ſafety. *Prov.* 11. 14.

" Should a Convocation be allow'd to meet ſo *Regu-* p. 325. " *larly*, and to act ſo *freely*, as ſome Men deſire; I fear " it would ſoon appear, that the *Remedy* was " worſe than the *Diſeaſe*. *

* *The Conduct of the Convocation more miſchievous than the preſent Hereſies.*

" In all theſe Caſes (*vid. præced.*) it is evident, that the p. 329. " Convocation may be very likely to *fly* into *Heats*, and

" *Parties*,

" *Parties*, and after *much Contention*, nothing be done.

p. 337. " Should this be ſo, and ſhould there chance to be any " conſiderable number of his *Convocation Friends* of the " ſame Opinion: I ſhall only ſay, 'tis *happy* for them, " that they are *not permitted* to come together: For cer- " tainly they would *quickly undo themſelves*, if they " were, &c. for he takes it for granted, that their in- diſcretion would fall upon Doctor *Sherlock* at ſuch a rate, as to run into a *Premunire*, ha, ha, ha; for he adds,

p. 343. " The Proceedings of large Bodies are very uncertain. " And 'tis hard to calculate before hand, how they will " Act when they come together, as to compute at " *Chriſtmaſs* which way the Wind will ſit in *March*. A very " *little Matter throws them into diſorder*; and when Men " think they have made their *Party* ſo ſtrong, that nothing " can oppoſe them, yet we know how miſtaken they have " oftentimes been, and have ſeen all their *Projects* by ſome " indiſcernible *Accident*, or *Omiſſion* brought to nothing.

p. 306. " That Synods may in ſome Caſes be as *uſeleſs* to the " Church, as in others they are *Expedient*; every Man's " own Reaſon will tell him. And that ſuch times may " happen in which they may be apt to prove not only " *Uſeleſs* but *Hurtful*, we have not only the *Experience*, " but the *Complaints* of the beſt Men to convince us. It " was a ſevere Judgment which *Gregory Nazianzen* paſſed " upon the Synods of his time; and is the more to be re- " garded, becauſe it was the reſult of a *frequent Trial*, and " a *ſad Obſervation*; that he *fled all ſuch Aſſemblies, as* " *having never ſeen any one of them come to an happy conclu-* " *ſion, or that did not cauſe more miſchief than it remedied.*

Gr. Naz. Tom. I. Ep. 42. p. 814.

" *Their* Contention *and* Ambition (ſays he) *is not to be ex-* " *preſſed: And a Man may much eaſier fall into Sin himſelf,* " *by judging of other Men, than he ſhall be able* " *to reform their Crimes.* †

† *'Tis ſo in Councils made up of Hereticks (countenanced by Kings) and Catholicks together; as it was in that time under* Valens *the Arian: But in Canonical Councils, every ſuſpected Perſon, not taking a Catholick Teſt, is to be purged out, and then the reſt will be at quiet.*

" There is ſcarce any thing in Antiquity, that either " more expoſed our Chriſtian Profeſſion heretofore, or " may deſerve our ſerious Conſideration at this day, than " the *Violence*, the *Paſſion*, the *Malice*, the *Falſeneſs*, and " the *Oppreſſion*, which reigned in moſt of thoſe Synods,

" that

" that were held by *Conſtantine* firſt, and " after him by the following Emperours, upon " the occaſion of the *Arian* Controverſy. ¶ " Bitter are the Complaints, which we are " told that great Emperours made of them, " (1.) *The Barbarians*, ſays he in his Letter " to one of them, *for Fear of us Worſhip God*; " *but we mind nothing but what tends to Hatred*, " *to Diſſention, in one Word, to the deſtruction* " *of Mankind.* And what little ſucceſs other " Synods have oftentimes had might eaſily " be made appear, were it needful to enlarge " upon ſo known and Melancholy a Subject. *

¶ *For which we have accounted, and ſhewed it to be from* Court Politicks, *&c.*

(1.) Soz. l. 2. c. 28. *What of Canonical Synods? (why then did he* call, *or* allow *any?) No, it was of their Hereſies, and Diviſions, as well* out *of, as* in *Synods.*

* *But he can ſhew none ſuch, but thoſe in which Emperours interpoſed againſt their Purity, Rights, and Liberties; or gave Countenance to ſuch who had no Right of Seſſion. And our Parliaments would be as bad, if Princes ſhould, or could Corrupt, or Diſturb them.*

" Now this, as it has obliged, not only the beſt Men, " but the Wiſeſt Emperours, to be very careful, how they " either called, or encouraged ſuch Aſſemblies, unleſs " they had ſome Reaſon to hope for a good Effect of them; " ſo may it ſuffice to convince us ſtill, that neither are " *all Times*, nor *all Cauſes* either *Proper for*, or *Worthy of* " ſuch Meetings. † And that the *Expediency* of them " ought to be very clearly made out, ∴ before it can " with any reaſon be expected that the Prince ſhould con- " ſent to their Aſſembling.

† *That are ſo miſchievous.*

∴ *Which, on the* Dr's *Sence of them, is impoſſible.* p. 43.

" I am apt to believe that were the Dangers to be " weigh'd, it would be *much more Fatal* to the *Church* and " *State*, to have ſome Men intruſted with an *immoderate* " *Liberty*, than others with a *Sovereign Power, to reſtrain* " *them*——— and a little before——— " how fitting it " is, that Princes ſhould have all that Power, I have now " mention'd, to prevent them from doing both *themſelves*, " and the *Church* a *Miſchief*.

L. *Of Doctor* Wake's baſe and inſolent Treatment of the Author of the *Letter to a Convocation Man*, who had given him *no Perſonal Provocation.*

I have omitted many other invidious and abuſive paſſages to be collected by the Doctor's *Readers themſelves.*

1ſt. *Dedicat.* p. 3.

"AS his Principles ſeem BUT TOO MUCH "to look towards a Party, againſt which the "Church of *England* ever has, and I am perſuaded, al- "ways will be ready vigorouſly to oppoſe herſelf; ſo the "Diſaffection, which appears in the whole proceſs of "his Diſcourſe, to the preſent Eſtabliſhment, ſufficiently "ſhews, that he had ſome farther Deſign in the Publiſh- "ing of it, than barely to aſſert the Rights of the *Clergy*, "and *Convocation*.

How ſo? or where?

Prefac. p. 7.

"I am not aware that in doing of *This* I have given "my Adverſary any hard Treatment, though I cannot but "ſay, he has taken Care OFTENTIMES to deſerve it.

* *All this is but falſe pretence to temper, as appears in the* Book, *the* Appeal, *and the* Obſervations.

"But I thought it unreaſonable to be guilty "of that my ſelf, which I look'd upon to "be a fault in him. *

Book. p. 5. &c.

"Since others have had the boldneſs to arraign the "Government, for not ſuffering the Convocation to "meet; and to tell the World, that both the Honour "of Religion, and the Good of the Church are concern'd "in it, and cannot be preſerved without it: I hope I may "take the liberty to examine, what ground there is "for ſo *invidious a Suggeſtion*; and have as much Right to "to tranſgreſs in the behalf of Authority, as this Gentle- "man has taken to offend againſt it.

p. 262.

"He proceeds *Oraculouſly* to pronounce, KNOW "therefore, &c.

p. 296.

"There is yet a little Spightful Suggeſtion, for I can- "not call it an Argument, &c.

p. 304. &c.

"It muſt be confeſſed, indeed, that our preſent Author "has neither taken a very proper Method of communi- "cating his Advice to the King; nor done it in ſuch a "Manner, as if he deſign'd to perſuade, either the King, "or his Miniſters to pay any great Deference to his "Judgment.

" Judgment. On the contrary it appears, that in all " that he has ſaid, he intended rather to reflect upon the " Adminiſtration of Affairs, and to raiſe Diſcontents in " Mens Minds againſt the Government, then to do any " Service to *Religion*, or the *Church*.

" —Thoſe Reflections, which he hath made, with a " more than ordinary freedom upon all ſorts of Perſons, p. 345. " and upon none more, than upon thoſe, who might have " expected to have the leaſt fallen under the *Levities* " and *Scurrilities* of ſuch a *Piece*.

" But this is a Work of too ingrateful a nature to be " particularly perſu'd. And I am ſenſible, that in doing " of it, I muſt either ſay very much leſs than he has taken " care to deſerve; or very much more than I am willing " to allow my ſelf to do.

" It is indeed very ſad to conſider, what an immoderate " Liberty ſome Men indulge themſelves on theſe Occaſions. " With what *Readineſs*, nay with what *Satisfaction*, they " catch at any thing that is Scandalous, and may help to " blacken thoſe whom they do not love? And if they can " but give it a witty turn, or paſs it off with a little grace, " as if they were ſorry to ſpeak it, or unwilling to believe " it, (though all the while it is apparent, that by that " very Inſinuation they hope to make it ſtick the more) " they think they have done their buſineſs. They have " guarded themſelves againſt being called to an account " for it by Men; aud I am afraid they never once think, " what account they muſt give for it to God. Theſe he enumerates from the Letter to be againſt the *King*, *Arch-Biſhop*, *Biſhops*, *Clergy*, *Parliament*, and the *Generality of the Nation*; for which however there is no Warrant, but Jealouſy, and Suſpicion: For which I have given ſome account in my *Reply* to his *Appeal*. p. 6, 7.

But here I am bound to do Juſtice to the *Doctor*, who being (in my 2d. Letter to him of *July* 16. *An.* 98.) gently told of his indecent uſage of this his Adverſary, gave his account for it to me in his Anſwer of *July* the 28th. *ejuſ. an.* which perhaps may Right him with the Publick, and therefore I exhibit it. His Words are, " Though in this you " and I are perfectly agreed, that a calm and unreflecting " way of managing Controverſy is always beſt, yet ſome-" thing I conceive may be ſaid, to juſtify whatſoever " ſeverity was really uſed by me in my *Reply* to the Letter " to a *Convocation Man*. The Author of that Treatiſe,

" not only *then was*, but *ſtill is* altogether unknown to me.
" To ſeveral Perſons, and ſome of more than Ordinary
" Merit, it has been aſcrib'd; to moſt without any ſuffi-
" cient Ground; and all of them I do in my Opinion free
" from having had any hand in it. I therefore neither
" had, nor could have any thought of gratifying any
" private Reſentments by what I wrote. My ſeverity,
† muſt *is a ſtrong Word.* " whatſoever it was, *muſt* † be referred to a more generous
" Principle, and ſuch as will, I believe, ſufficiently juſtify
" me to all, who ſhall impartially conſider the occaſion
" I had, or at leaſt thought I had for it. I ſaw the Go-
I hope this may be allowed as good a Plea for my Severities in the M. E. *againſt the* Doctor's *Deſign.* " vernment *ſlily*, yet *effectually* ſtruck at. I found ſeveral
" Perſons of Eminence in the Church very unworthily
" treated. I perceived what Party it was, that not ſecret-
" ly, and behind the Curtain, but openly triumphed in it.
" I had heard what Springs it Originally came from,
" and was but too juſtly apprehenſive what miſchief it
" might do, to the increaſing our Diviſions and Diſcon-
" tents, within our ſelves, and againſt the Publick. (Too
" great and dangerous already.)

" And upon theſe grounds, I concluded, that it was
" needful to uſe plain dealing with thoſe whom I look'd
" upon my ſelf to be engaged with, and to let them know,
" that they were neither unknown, nor feared, nor very
" much valued *by us*. If by this means I have been guilty
" of any indecent Heats or Expreſſions upon any who have
" not deſerved them, I do aſſure you that no one ſhall
" be more ready to cenſure them, than my ſelf: For as,
" I thank God, I *court no Party*, nor fear any Man's Anger
" in doing my Duty, and promoting, as I am able, the
" Publick Good: So on the other ſide, I neither deſire
" cauſeleſsly to grieve, or offend any, and ſhould be hear-
" tily ſorry, had I in this preſent Controverſy done any
" thing unbecoming the Character of a *Scholar*, or a *Chri-*
" *ſtian.*

Now though I could be very cloſe, and critical upon this Apology, yet I will take no advantages againſt a Letter Written with a Friendly Air, but only offer what I return'd in as Friendly an Anſwer, which was as followeth. *Aug.* 3.—— 98.

——" The [Author] you apprehend Seditious a-
" gainſt the Government, and thereupon juſtify your Se-
" verity againſt him; in which I am no farther concern'd
" than to ſay, that that Part of him, which I defended,

" being

" being a Sacred and Theological Truth, is of no ſuch
" Tendency. And for the reſt, I ſuppoſe, if that Author
" ſhall appear in his own Vindication, and aſſert his In-
" tegrity, your Uſage of him may be repreſented very
" much to your diſadvantage: For how ſuſpicious ſoever
" his Expreſſions may ſeem to a jealous People in a tick-
" liſh time, yet no *Juſtice* will warrant you to expound
" *fair Expreſſions* by a *foul Antiphraſis*, nor to interpret a
" decent Application to the Conſideration of Superiors,
" to reinforce the ancient Authority and Power of the
" Church againſt Hereſies, (though with ſome ſoft
" Touches for Omiſſion) to an *odious* Deſign againſt the
" Government it ſelf, though Wicked Men take occaſion
" for their Inſults and Abuſes. And ſince I think we owe
" every Perſon as much *Juſtice* in our own *Writings* as
" our *Courts*; he ought not to be condemn'd by you on
" meer Suſpicion, but to be left to *his* and *our* common
" Judge: For your buſineſs was with his *Opinions* only,
" not with his *Heart*; which if he would not diſcover,
" you had no Power to ſearch. And therefore a *charita-*
" *ble Admonition*, againſt the ſuſpicious and dubious Ten-
" dency of his Style; had been much more proper than
" an *Invective Form* of *Correption*, and down-right *Im-*
" *peachment*. And herein I ſpeak not my own Senſe only,
" but that of many other Judicious Men, that wiſh as
" well to the *Church*, and *preſent State*, as it is poſſible
" for you to do. And the Opinion they have of *your*
" *natural Sweetneſs* makes them think, that ſomething
" more than a *common Byaſs* carried you beyond the lines
" and limits of your genuine Temper: For the World
" is very fruitful and artificial in gueſſes and conjectures;
" againſt the *Edge* of which the beſt Defence for our ſelves
" is, to paſs no Cenſures upon other Mens *ambiguous*
" *Mutters, and undetected Conſciences*. I would fain there-
" fore have you recollect, whether he, that aſſerts the
" *Convocation* to be called and ratified only by the *King*,
" be a *Factor* for *Popery*, as you inſinuate in your *Dedica-*
" *cation*? Or he, that deſires King *William* to convene
" the Church againſt Hereſies, can be a *Jacobite Agitant*?
" The Diſſatisfactions, that his Letter may improve, have
" no tendency that Way, and are no more than what
" would have been as great, and diffuſive, had that
" Letter never been publiſhed; moſt Men that revere,
" and love the Church as they ought, of neceſſity

" grieving to see her *Wisdom*, and *Power* scorn'd, and " thought *useless* against Heretical Pestilences; among " whom that Author adventured to vent his *Resentments*, " that the *Matter* and *Weight* of them might thence come " under a closer Consideration: For hence it usually hap- " pens, that the Publick takes its Measures against Evils, " when they discover a *popular concern* and *fermentation* " against them: Which therefore, in stead of *subverting*, " tends directly to the *bettering* of a Government. But if " he was mistaken in his Law, and Counsels, these only " deserve your Refutation, without so invidious a Prose- " cution of his *Conscience* and *Reputation*.

LI. *Of Doctor* Wake's *Spightful and Unnecessary Reflections on the* Clergy.

Prefac. p. vii. † *Yes on my Conscience that you have.*

" 'TIS true, I have all along spoken my Mind with " *great Freedom*, † and where I found any thing " amiss, have not stuck to own it, though it seemed to " *reflect upon these of my own Order.* 'Till Clergy-Men cease " to be Men, they will be guilty, not only of *Follies*, and " *Imprudencies*, but of *Sins* too as well as others; and to " what purpose should I dissemble *That*, which, whether " it be confessed, or not, *all the World* knows " to be but *too true* † Were our faults so " private, that to *allow* of them were to *pub-* " *lish* them: I am sure no one should be more " careful to hide them *than I would be*; but " I cannot conceive it to be either for the " *Credit* or *Interest* of the *Church* to dissemble " those Vices, which those, who commit " them, take no care to conceal. * *Vide* " *seqq; ejusd. farin.*

† *Note that his Reflections are upon the Clergy of the Convocations, and other Men of Note in the Order, for such only appertain to his Business.*

* *This Plea any* Cobler *of* Glocester *may make.*

Book. p. 333. " What shall we say of the *Conversation* and *Examples* of " some of those who wait at the *Altar*, and by their Office " and Profession seem engaged, beyond all others, if not " to help to reform the World, yet certainly to take care " that they do not help to make it worse; whilst *Pride* and " *Peevishness*, *Hatred* and *Evil Will*, *Divisions* and *Discon-* " *tents* prevail among those, who should teach and correct " others; and instead of improving a true Spirit of *Piety*

and

" and *Purity*, of *Love* and *Charity*, of *Peaceableneſs* and " *Humility*, we mind little elſe but our Several *Intereſts* " and *Quarrels*, and *Contentions* with one another; what " wonder if we ſee but little ſucceſs of our Miniſtry, and " are but little regarded upon the account of it? We muſt " Reverence *our Office* our ſelves, if ever we mean that " others ſhould Reverence us upon the account of it. " A Teacher, who is an *Heretick* in any Point of Doctrine, " may do *ſomewhat to corrupt the* Faith:

" * But 'tis the *Miniſter, that ſhews himſelf* " *an Infidel in his Practice*, that roots up the " very foundation of Religion, and prompts " Men to caſt off at once all belief of it.

* *Why ſo tender and diminutive upon Hæreſiarchs, good* Doctor?

Now let us ſee whether the *Doctor* has appeared with *Balſame* and *Benevolence*, to heal our Diviſions; let us then but look over his Myſtical Interpretation of his Adverſaries Reflection upon Sir *Robert Brabazon*, &c. His Words are,

" This is the *Fable*, and the *Moral* of it is not difficult. " King *William* is the *Edward* here meant; the *preſent* " *Clergy* are like thoſe here mentioned, deem'd publick " Enemies; but upon a very Honourable Account, becauſe " they aſſert the Laws of the Realm; that is, ſtand up " for *another Intereſt*, and are *Enemies* to the preſent Go- " vernment. p. 348, &c.

" For this they are not only deemed *Publick Enemies*, " but are *Uſed* as ſuch. Some of them have been turn'd " out of their Preferments; others have been diſcounte- " nanced, and not prefer'd according to their Deſerts, " becauſe they alſo have honourably ſtood up for the " *Laws* of the *Realm*, that is for *another Intereſt*, though " they have again and again ſworn obedience to the pre- " ſent Goverment; and ſome of them (though ſore a- " gainſt their Wills) even ſubſcribed the *Aſſociation* in de- " fence of it: To ſay nothing of others, who were the " moſt forward, and buſy of any in the Kingdom to help " on the *Revolution*, and to Eſtabliſh that Government " they now diſlike, &c. I need not trouble my ſelf for any other Animadverſion hereupon, than to let the *Doctor* know that he did not herein remember whoſe Office, and Character he affected. The *Doctor* may think this an hard Expreſſion, but 'tis ſuch as I have no reaſon to expunge, 'till he condemns that odious and dangerous Charge upon the Clergy, who never gave him Provocation thereunto,

Let us ſee now, whether the Dr. *can be ſo candid as to revoke theſe Unkindneſſes to his* but *Brethren.*

but have as fair Pleas for their Integrity, as any the *Doctor* can pretend to for his own.

Many other oblique and ſhorter ſtrokes, and ill natur'd Aggravations the Reader may every where obſerve of this Nature in the *Doctor*'s Book, and Appeal, which are a real grief and ſcandal to us; and ſuch as we cannot but reſent. I do not take any notice of his carriage toward me; for being ſo taken up, as he was by me, he might *humanum aut inhumanum quod pati*. But theſe Perſonal Revenges I do heartily deſpiſe, and forgive the Author. And do only pray, that he may effectually diſcover to the World the Errours of *his own*, or *my* Principles, and Writings upon them; and either of theſe Kindneſſes will abundantly recompence for all other Coarſeneſſes, and edear me to ſuch Candour and Ingenuity againſt all other Influences and Provocations; of which I will not fail to give him and the World the cleareſt, and moſt perfect Evidence upon ſuch his Performance.

LII. *Of*

LII. *Of* Popes Tamperings *with* Emperours *and* Empreſſes, *&c.*

POPE *Sericius* wrote to engage the Power of the Tyrant *Maximus* to ſuppreſs one *Agricius* for uſurping Prieſts Orders, which *Maximus* rather thought fit to turn over to a Synod. *Maxim. Epiſt. ad Siric. Pap. poſt Sericii Epiſt.* 4*tam.* P. *Siricius.*

Boniface I. Pope of *Rome* engages the Emperour *Honorius* to interpoſe againſt *Schiſmatical Elections* of Popes. *Epiſt.* I. And hereupon the Emperour Decrees, that if two Popes be contentiouſly Choſen, neither ſhould ſtand, but a third Canonically Choſen out of the Clergy. *Honor. Imp. Epiſt. ad Bonif. P. Reponſor.* P. *Bonif.* I.

Pope *Cæleſtine* engages (what he can) *Theodoſius* to interpoſe againſt Troubles, and for the Faith, in the firſt *Epheſine* Council, upon a Notion that he ought to have more concern for the Faith, than for his Empire, in order to the Proſperity of his Reign. *Cæleſt. P. Epiſt* 9. *ad Theodoſ. Imp.* And places great Hopes and Opinion in Imperial Cares for the Faith. *Epiſt.* 10. *ad Cyril. Alexand:* And Praiſes *Theodoſius* for his Condemnation of *Neſtorius*, and prays him utterly to ſuppreſs him, as placing all the ſafety of the Church in the Emperour's defence. *Epiſt.* 12. *ad Theod.* P. *Cæleſtine*

Leo I. P. Succeſſor to *Cæleſtine*, in the matter of *Eutyches* encouraged by *Theodoſius*, was forced to tamper with the Emperour *Theodoſius*, and the Empreſs *Pulcheria*, *Valentinian*, and the Empreſſes *Galla Placidia*, and *Eudoxia*, to reverſe what was ill done for *Eutyches*, and to advance his own Intereſt in the Synodical Conduct, with all manner of *Flatteries*, and *dextrous Applications*, with an Oſtentation of his *Apoſtolical Authority* likewiſe to bend them; whereby after *Theodoſius* his Death he gained much the Devotion of the whole Court. His deſigns being to make himſelf *Supreme Arbiter*, and the Emperour a *ſecundary Executioner* of his Will. P. *Leo* I.

In

In Tranſactions of this Nature conſiſts the moſt of the *firſt Part* of the Council of *Chalcedon*; and ſome of the *third Part* alſo. See moreover his *Epiſt.* 10. to *Theodoſius.* 31. to *Pulcheria.* 35. *ad eand.* 38. to *Marcian.* In theſe Negotiations he does not only ſollicit the Imperial Intereſt for the encouragement of the Catholick Church, and his own See, but alſo to the utter ſuppreſſion of all Perſons whom he condemns. Thus he ſollicits *Marcian* for a remoter Baniſhment of *Eutyches*, *Epiſt.* 70. *Concil. Chalced. Par.* 3. *num.* 18. and puts on *Pulcheria* to the procuring it. *Ep.* 45. The Equality of *Anatolius* with himſelf, Eſtabliſhed by the 28th. Canon of the *Chalcedon* Council, was very offenſive to the Pope, and drew his Complaints, not only to the other *Patriarchs* and *Biſhops*, but to the Emperour, and Empreſs, againſt *that Canon*, and the Ambition of *Anatolius*; both which he ſollicits them to ſuppreſs. He tells them, *that it was upon their Mediation, that he had connived at the Irregularities and Defects of* Anatolius *his Ordination*, with which he upbraids both *him*, and *them*; 4. *Epiſt. ad Marcian. & ad Pulch. Concil. Chalced. Par.* 3. *num.* 6. 7. and lays load upon *him* for his unjuſt and ſuſpicious conduct in removing *Aetius* from his *Archidiaconate*, and for ſly Perſecution of the Catholicks, and promoting *Eutychians*, and ſollicits *them* to reſtrain *him*; ſtill burthening them for having given him their Teſtimonial for *Anatolius. Ep.* 47, 48. In the Weſtern Empire he prevails upon *Valentinian* to own his *Papal Monarchy* over the Church, and to take upon himſelf to execute by Edict his Decree againſt *Hilary* Biſhop of *Arles.* See the Edict, *poſt. Epiſt. Leon.* 89. And truly, I think, this was the firſt Biſhop of the Catholick Communion, that ever put any Emperour upon deſtroying Canonical Conſtitutions, and inſpecting the Conduct of particular Biſhops, bringing in an imperial Yoke upon all the Church, the Apoſtolick See only exempted. So the firſt ſignal *Precedents* for theſe *Imperial* or *Regal* Powers, aſſerted by the *Doctor*, are theſe of Pope *Leo*'s *ſubornation.*

P. *Simplicius.* In the Caſe of *Timotheus Ælurus*, the *Parricide* and *Uſurper* of the *Alexandrian* See, reſtored from Baniſhment by the Hypocritical Emperour *Zeno*, P. *Simplicius* interpoſes

poſes againſt that *Ælurus* with the Emperour, and the Cauſe was good; but he does ſollicit it with thoſe falſe and ſordid ways of Flattery, and Elogies of *Zeno*'s Piety, and Catholiciſm, (1.) whom he knew to be rotten, and ſubdolous, and the Fautor of that ſame Heretical and Bloody Fox, that one may well conclude it was not ſo much a Zeal for Piety as his own Supreme Intereſt and Influence upon the Emperour, that he projected; though this inſincerity the Note upon this 4th Epiſtle of *Simplicius* calls a *moſt Prudent Diſſimulation.*

(1.) *Quis enim devotam ſemper Deo clementiæ veſtræ mentem & Orthodoxis deditam regulis aut ignoret, aut ambigat?* &c.

When *Zeno* had recovered his Empire, which he had loſt by the rebellion of the *Eutychians* under *Baſiliſcus*, the ſame Pope makes that an incentive to *Zeno* to ſuppreſs the *Eutychians*, and pretends that the ſecurity of his preſent Empire, and of his Soul to all Eternity, depends on it. *Epiſt.* 8. The like Motives he uſes in his 10th and 12th *Epiſt.* to the ſame Emperour for the remote Baniſhment of *Peter Mongus* from *Alexandria*; and puts *Acacius* of *Conſtantinople* upon the ſame ſollicitations. *Epiſt.* 11, 13, 17, 18. The ſame Councils had he promoted againſt *Peter Fuller* at *Antioch.* See *Epiſt.* 14. 15. alſo 16. 'Tis true, the *Violations* of the *Civil Peace*, made by the *Hereticks*, gave good ground for *Applications* to, and *Succors* from the Emperours; but the Sollicitations were carried on too far from the *Civil* to the *Eccleſiaſtical* Concerns, into which the Emperours hereby were encouraged to interlope, and thereby to enſlave the Church, when Hereticks gained them to their Deſigns ane Intereſts.

Pope *Fælix* III.

The ſame Meaſures Pope *Fælix* III. took in the ſame Cauſes, as may apppear in his 1 *Epiſt.* to *Acacius*, (2.) in which he notes, that *Zeno*, upon the reduction of the *Orthodox Timothy* to the See of *Alexandria*, had decreed the deprivation of *Honours*, *Churches*, and *all things* to all that ſhould not within two Months return to the Communion of that *Timothy*, † and had caſſated all the Ordinations of *Ælurus* and *Mongus*; and ſollicits him to keep the Emperour ſtill on the

(2.) *Proinde adire debes ſæpius Chriſtianæ mentis Auguſtum, & cauſas eidem, & ſalutis ſuæ, atq; etiam Imperii redditurus*, &c. *vide omnino.*

† *Solofaciolus.*

ſame

ſame Courſe. See alſo *Epiſt.* 2. to *Zeno* the Emperour, concerning *Peter Fuller* at *Antioch.* See his 5th *Epiſt.*

P. *Anaſtaſius.*

In like manner Pope *Anaſtaſius* II. deals with the *Eutychian* Emperour *Anaſtaſius*, as *Simplicius* treated *Zeno*, and ſo inſinuates his own Supremacy, with which he ſollicits the Emperour to concur, and ſo jointly to govern the univerſal Church within the Empire; and particularly to expunge the Name of *Acacius* out of the *Diptychs*, which was purely an *Epiſcopal*, not an *Imperial* Buſineſs; and to ſettle the Faith at *Alexandria* by his *Precept* and *Authority.* See his *Epiſt.* and *num.* 1, 3, 5. 8. Though the Hiſtory of this Pope's Life, (3.) and the Letter of the Emperour *Juſtin* to Pope *Hormiſda* (4.) aſſert him to have, by concert with the Emperour *Anaſtaſius*, communicated with the *Acacians.* And by this means, as I have above noted, the Popes and Emperours compounded at laſt, and joined their Intereſt to carry all before them as we may ſee in Pope *Hormiſda*'s Epiſtles, and the Orthodox part of *Juſtinian*'s Hiſtory. See alſo *Juſtinian*'s *Epiſt.* to P. *John* II. (5.) and the 2d Epiſtle of that Pope in Anſwer.

(3.) *Lib. Pontific. in vit. Anaſt.* II.

(4.) *Epiſt. poſt Hormiſd. Ep.* 74.

(5.) *Poſt. Joh. p.* 11. *Imam.*

P. *Silverius.*

The Popedome being grown ſo Illuſtrious, no wonder, if Princes coveted the Intereſt of that Chair, and affected to put in Creatures of their own. No wonder alſo, that corrupt Men ſhould affect the See, and procure it by Simony, Violence, and all other Uncanonical ways. Thus then *Silverius* came in after P. *Agatho* by Simony contracted with *Theodatus* the Wicked *Arian* King of *Italy*, who deſtroyed with the Sword thoſe that oppoſed his undue Election. (6.) But as he got in, ſo he got out; for *Theodora* the Empreſs, by as corrupt contracts with *Vigilius*, and the like corrupt confederacy of *Beliſarius*, ſet up *Vigilius* upon the expulſion of *Silverius*, whom at laſt *Vigilius* Murthered, (7.) and thereupon (ſay the Romaniſts) was admitted for a Canonical and well Conſtituted Pope; ſo Bleſſed were the Sollicitations of Princes to give Biſhopricks, and violate the Canonical Rights of Election.

(6.) *Liber. Pontific. in vit. Silver.*

(7.) *Ibid. Vid Liberat. Breviar. c.* 22.

P. *Vigilius.*

P. *Pelagius* I.

After the 5th Council, to which the Pope *Pelagius* I. had by the Intereſt of *Juſtinian* (who promoted him not very Canonically) conformed, he was not only abominated

at home by many as a Party to the Perſecutions and Murther of *Vigilius*, (8.) but diſobeyed, and neglected by thoſe Churches of *Italy*, who refuſed the 5th Council. Whereupon let us ſee what meaſures he took. Why upon theſe he ſtirs up the Imperial General *Narſes* to oppreſs them *vi & armis*, (without boggling at the *Odium* of Perſecution) that were not in Communion of the *Apoſtolick See*, and pretends Canon for it, and St. *Auſtin*; and particularly he expoſes the *Lygurian*, *Iſtrian*, and *Venetian* Biſhops, commending *Narſes* for what he had before done in the midſt of Wars, in ſuffering no Biſhop to be ſet up at *Milan*, till he had conſulted, and received Orders from the Emperour, (9.) which he reinforces, becauſe theſe *pretended Schiſmaticks* had affronted *Narſes* in denying him Communion; and ſo merited his Revenge. (10.) Particularly he deſires him to ſend the Biſhops of *Aquileia* and *Milan* under ſafe Cuſtody to the Emperour; as not allowing any particular Synod to debate upon the Acts of General Councils, but requiring a reference of all ſuch doubts to the *Apoſtolick See*. (11.)

(8.) *Liber. Pontif. vit. Pelag.*

(9.) *Pelag.* I. *Epiſt.* 3.

(10.) *Ep.* 4.

(11.) *Epiſt.* 5. *vid. & Ep.* 2.

The Ancient way of the Popes, as Mediators of the Catholick Commerce, was to ſend *Legates* unto all Churches, and to receive ſuch from all Churches, on occaſions that required a Catholick ſupport or remedy. But after Hereſies, that firſt aroſe upon *Secular Intereſt*, drew ſuch frequent References to *Rome*, the Popes took upon them to chooſe ſome particular Biſhops in foreign Churches to be their Repreſentatives in Ordinary, which at laſt growing to a great Honour, was much courted by Ambitious Biſhops, eſpecially in the Weſtern Churches; and ſo the Biſhops that were Court Favourites, made Kings their Interceſſors for this *Legatine* Station, and thus the Pope got an hank upon Kings themſelves to ſupport the *Legatine Powers*. An Inſtance of which we have in *Childebert* the *French* King, who at *Sapaudus* Primate of *Arles* his requeſt procured him the *Pall* forſooth, and this *Legatine Authority*. (12.) And the Pope wonders that the King would ſuffer *Sapaudus* the *Apoſtolick Vicar* to be judged by the next Interior See, at the Petition of a Biſhop Ordained by *Sapaudus*, and charges him not to permit it. (13.) As in another Epiſtle to the ſame King he enjoyns him to ſuppreſs Hereſies in the very beginings. (14.)

(12.) *Ep.* 13.

(13.) *Ep.* 14.

(14.) *Ep.* 16.

The

The ſame Councils alſo were Proſecuted by Pope *Gregory* the Great in many Concerns of this Nature. In *Africa* he moves *Gennadius* the *Exarch* to ſuppreſs Hereſies, and to direct the Council of Catholicks to chooſe their Primate, not by the *Dignity* of the *Place*, but the *Perſon*, who was to dwell not in a Village, but a City; as alſo to permit any one to go from the *Numidian Council* to the *Apoſtolick See*, and that no Man might obſtruct him. (15.) To reduce the Biſhop of *Aquileia* to his Communion, or to nothing, he procures the Temporal Powers (16.) to cauſe *him* and *his Party* to appear at the Pope's Council. The ſame Councils he Proſecuted againſt the *Iſtrian* Biſhops, notwithſtanding he had received from the Secular Powers an Injunction to the Contrary. (17.) In *Ireland* the 5th Council, and its Condemnation of the *three Chapters*, was not received, for which they ſuffered Perſecution, and this probably at the Inſtigation of Pope *Pelagius*. They write hereupon to his Succeſſor *Gregory*; but he juſtifies the Perſecution, and Condemns the Sufferers, and would in no wiſe mediate for their relief. (18.) In the Caſe of *Januarius* Biſhop of *Calaris* in *Sardinia*, he requires *Sabinus* the Defenſor of that Iſle, to convey the Biſhop by force to *Rome* there to be Judged, as alſo *Epiphanius* a Presbyter, and his Harlots. (19.) He had been informed by ſome coming from *Africa*, that the *Numidian* Council had acted many things contrary to the way of the Fathers, and the Canons, the Correction of which he recommends to *Gennadius* the *Exarch* of *Africa*. (20.) He puts *Pantaleon Præfect* of *Africa* on puniſhing the *Donatiſts*, not only for violent ſeizing Churches, but for rebaptization. (21.) At the Interceſſion of King *Childebert* he creates *Virgilius* Biſhop of *Arles* his *Legate*, (22.) and among other his Royal Interpoſitions againſt ſome Eccleſiaſtical diſorders, he requires him to ſuccour and ſupport the Authority of his *Legate*. (23.) On the Diſpoſition of one *John*, a Presbyter under the Biſhop of *Conſtantinople*, he puts the Emperour *Maurice* upon the Ceſſation of it, as unjuſt, (24.) and reverſed by him in his Council

(15.) *Greg. M. Epiſt. l. 1. Ep. 72.*

(16.) Lib. 1. Ep. 16.— *juxta Chriſtianiſſimi & ſereniſſimi rerum domini juſſionem*, &c.

(17.) *Lib. 2. Ep. 32.*

(18.) *l. 2. Par. 1. Indict. X. Ep. 36.*

(19.) *l. 2. Par. 2. Ep. 36.*

(20.) L. 3. Indict. XII. Ep. 7. *Tanto igitur Eccleſiaſticarum correptionem cauſaram vobis libenter ingerimus*, &c.

(21.) *L. 3. Indict. XII. Ep. 32.*

(22.) *L. 4. Ep. 50. & 53.*

(23.) *L. 4. Ep. 50.*

(24.) *L. 5. Ep. 16.*

Council, and alſo ſollicits *Theotiſtus* the Emperour's Kinſman to mediate with the Emperour for his Reſtitution. (25.) When the Imperial Laws againſt *Donatiſts* were neglected in *Africa*, he ſollicits the Emperour *Maurice* to reinforce them. (26.) At the Requeſt of *Brunechild* Queen of the *French*, and the Emperour, he grants the *Pall* to *Syagrius*, and requires her to permit no Lay-Men to be made Biſhops. (27.) and directs her thereupon to call a Council, at his Decree, which he commits to the Conduct of *his* and the *Queens* Favourite *Syagrius*. He engages the *Præfect* of *Sardinia* to join with the Biſhop in Converſion of the *Barbarians*. (28.) He puts the *French* Kings and Queens to call a Synod againſt the Simony of the Biſhops. Queen *Brunechild* he enjoyns to correct the Unchaſtity, (i. e. Matrimony) and Wickedneſs of the Prieſts; and deſires her, if ſhe pleaſes, to admit an *Agent* of *his* to treat with them in order to Correction, (30.) whom ſhe orders to be ſent for. (31.) He cunningly wheedles the Murtherer *Phocas*, and his Empreſs *Leontia*, to the Favour of St. *Peter*'s Church. (32.)

(25.) *L.* 5. *Ep.* 17. (26.) *L.* 5. *Ep.* 63. (27.) *L.* 7. *Par.* I. *Ep.* 5. & *Par.* II. *Ep.* 114. *vid. Ep.* 115. (28.) *L.* 9. *Ep.* 17. (29.) *L.* 9. *Ep.* 53, 54, 55, 57. (30.) *L.* 9. *Ep.* 57. (31.) *L.* 11. *Ep.* 8. (32.) *L.* 11. Ep. 45. 46. Pope *Martin.*

Pope *Martin*, after in his Council he had Condemn'd *Monothelitiſm*, with its Imperial *Exthеſes* and *Types*, uſed the ſame Methods to engage the Sword of *Conſtans* againſt the *Monothelites*, though unſucceſsfully.

Pope *Leo* II. Writes to *Ervigius* to procure the Subſcription of the *Spaniſh* Biſhops to the ſixth Council. P. *Leo* II.

In *England*, *Auguſtine* the Monk, and his Succeſſors, had their Spiritual Authority and Commiſſions from the Pope, and making their Converſions firſt upon King *Ethelbert* (and founding the Church by his Zeal, and Bounty) and afterward upon others in like manner, both Powers joined together in the Eſtabliſhments, and the Government of the Church which the Popes generally interpoſed, and carried the chiefeſt hand in, except in ſome Ruptures, and Factions, that happened between *Them*, and the Kings; of which I have no need to account particularly, but only refer the Reader to our Ancient Monuments and Hiſtories; which, if the Conſtitution of the Eccleſiaſtical Government among the *Saxons*, or *Engliſh*, were firſt good, and well founded,

founded, will give little, or no Countenance to the *Dr*'s *Aphoriſms* and Articles, but to much Advantage to another *Intereſt*, which with the preaching of *Chriſtianity* unjuſtly inſinuated it ſelf by falſe Notions and Superſtitions toward St. *Peter*, and was admitted, countenanced (though I muſt not ſay Eſtabliſhed) by Royal Favours, Recognitions, and Conſtitutions; which, being founded upon falſe and ill Principles, are on that ground (and perhaps That only) well renounced by our Church, in the State of Reformation, as *Nullities* and *Uſurpations*, which no Humane Powers whatſoever could make *validly good*, and *obligatory* as to *Faith* or *Conſcience*. But that hapned here, which did every where elſe upon Papal Converſions; the Popes and Princes took the Supreme Cares upon them, and Princes ruled us at the direction and ſollicitation of the Popes, who by guiding the Regal Powers and Counſels, raiſed their Supremacy over all Churches, to which they neither had, nor could have Right, and which moſt of thoſe States, that have kick'd out the Pope, have *very fairly* taken to themſelves, with *no worſe Title* (perhaps) than that of St. *Peter*'s Succeſſors, but without any due Reſtitution of the *Divine Rights*, *Liberties*, and *Authorities* to the Churches, which the Pope, by *Princely Powers*, and other *Adminiculars*, had ſubdued to *his Chair*, and confirmed the Tyranny by a long deſcent of *Uſage* and *Preſcription*. But it was fit enough, that *that Chair*, that brought in *Secular Fetters* over, and upon all other Churches, ſhould it ſelf be overturned by thoſe very Powers, which it ſuperinduc'd upon others; and the only thing, that remains to be reſtored, is the Primitive *Rights* and *Powers* of the enſlaved Churches, whoſe Title I have here endeavoured to aſſert, which our *Sins* obſtruct, and God's *Miraculous Mercy* only can reduce.

Municipium

Municipium Eccleſiaſticum, &c. Juſtified.

§. 1. HAving conſidered the Structure of the *Obſervations*, I find them properly diviſible into three Parts; the firſt of thoſe that charge me with *miſrepreſentation*, of the *Doctor*'s Words and Notions: The ſecond of thoſe that expoſe my own *miſapprehenſions*: The third of thoſe that exhibit the *Obſervator*'s own *Notions*, or *Theories*. Now the two former ſorts, being not capable of a proper place in this foregoing Book, require a proper Diſcuſſion here; but the third, appoſitely falling under the ſtate of the Queſtion upon our *ſecond Canon*, is referred thither. In the mean time we ſhall paſs our preliminary Examination on the *two former Claſſes* of *Obſervations*, begining with thoſe that accuſe me of *miſrepreſentation*; and particularly ſuch, as have not been already juſtified by me in reply to the Appeal without any pretence of refutation offered by the *Obſervator*, that ſo I may neither abuſe my Time, my Paper, nor my Reader.

Whether the Doctor *owns the Church to be a* Society *before Civil* Incorporation, *or Synods more than* Prudential Clubs.

§. 2. The firſt then of theſe *miſrepreſentations* is pretended to conſiſt in a *Charge*, that *the* Doctor *affirms* the Church *to be no* regular Society *till* incorporated *with the* State. *But he cannot ſee that the* Doctor *ever* aſſerted, *or* intended *ſo of* Churches not incorported, *and verily believes he never thought ſo*; *it ſeeming, that he ſpeaks plainly of a* Church already incorporated *with the* Civil State, *which is indeed the* Subject under Debate. And ſo concludes, *that my eight firſt Chapters were ſpent to prove, what the* Doctor *never denied*; *and engages that the* Doctor *will grant the* Church *before any* Civil Incorporation *to be a* Divine *and* Sacred Society *under* Hierarchy *and* Orders. And ſo he fixes hereupon a blemiſh upon either my Integrity, or my Underſtanding, chooſe whether I pleaſe. (1.) Now the Truth and Juſtice of this Complaint muſt appear by reference to the Originals. It is then to be obſerv'd that the *Letter to a Convocation-Man*, diſtinguiſhing *all* Power *into* Spiritual *and* Temporal, *founds both of them in* God, *which no Chriſtian will deny of the*

(1.) *Obſ.* p. 7. 8.

Eccleſiaſtical Authority; *that this can be rightly exerciſed among* Chriſtians only, *not as encloſed within any* Civil State, *or* Community, *but as* Members *of a* Spiritual Society, *of which* Chriſt *is the Head, who hath alſo given out* Laws, *and appointed a* ſtanding Succeſſion *of* Officers *under* Himſelf *for the* Government *of this* Society, *which continued near* 300. *Years before any* Civil Governours *embraced* Chriſtianity; *ſo that the* Spiritual Authority *is not in its own nature ſimply dependent on the* Temporal. Here then the *Subject* laid was the *Spiritual Authority* over the *Eccleſiaſtical Society* before any *Civil Incorporation*, on which he grounds a *Divine Right* of Synods after the ſupernatural means of Governing the Church ceaſed. (2.) Now the *Doctor* does not paſs by, but takes exact notice of this *Hypotheſis*. But upon this occaſion does he grant any one Part of it, but ſo much that the Church before *Civil Incorporation* is a *Spiritual Society*, under Hierarchy and Orders? No, by no means, but ſets up another *Counter-Hypotheſis*, which omits this Notion, and ſuppoſes not the Church *Sociated* till *Incorporated*, and avowedly denies all, and all manner of *Authority* to the Synods of Churches *not Incorporated* into *Societies*, as well for the Service of God, and Salvation of Souls, as for their Civil Peace, and Security. (3.) Well, what Charge was he then loaded with hereupon? Why, only with a light Marginal Stricture, *Then, it ſeems, the Church is not Sociated till Incorporated with the Civil State to Spiritual, as well as Temporal Ends.* (4.) Here it is plain, he declines the Aſſertion of a *Spiritual Society* before *Incorporation* in an *Hypotheſis* oppoſed to that of the *Letter*, which Fundamentally lays it for a Principle: Secondly, with the *Doctor*, the *Sociation* of the Church to *Spiritual* and *Temporal* Ends, begins at once in one and the ſame formal *Act*, namely, *Incorporation*, with whom therefore the Church could not be *Sociated*, not ſo much as to Ends *purely* Spiritual, till ſuch *Incorporation*. And upon this his Fundamental Notion, he denies all Authority to Synods of *unincorporated* Churches, which by Vertue of ſuch *incorporant ſociation*, he as entirely Subjects to the Laws of that Civil Community, as any other Aſſemblies therein. Theſe are the avowed Senſes of the *Doctor*, and ſuch as muſt deny the *Catholick Church* to be *one Society*, both *before* and *after* ſuch *Incorporation* of Particular Churches: For the whole Catholick Church was never Bleſſed with one *Univerſal Incorporation* into *one Civil State*, and conſequently was never conſtituted thereby into

(2.) *See Municip. Eccl. Par.* I. p. 2. 3.

(3.) Auth. of Chr. Pr. p. 265, 266, 267.

(4.) *Munic. Eccl. Par.* I. p. 3.

into *one Society*. Or if it had ſometime been ſo Bleſſed, yet thoſe Churches, that relapſe under Perſecuting, or Unchriſtian States, by the *Doctor*'s Principles are *diſſociated* from the Unity of Chriſt's Church, and it will hereby be in the Power of Heathens to diſſolve the Catholick Unity, by deſtroying its Catholick Ligaments and *conſociations*, and *decorporating* them from the *Civil State*. Theſe Conſequences are ſo true, and yet ſo monſtrous, and odious, that the *Obſervator* was forced to put his Wits upon the rack to blind the World by a Perſuaſion, that the *Doctor* never ſaid, nor meant ſo. Why ſo? Becauſe the Subject was an *incorporated* Church, and *of that the* Doctor *ſeems to ſpeak plainly*. But, I ſay, the Subject here, whereof Rights were in debate, was firſt ſet by the *Letter*; and that is avowedly *a Church not encloſed within any Civil State or Community, whoſe* Governours *have a Divine Right to govern it Synodically*: But of this *Subject* the *Doctor* owns no *Sociation*, becauſe not *incorporate* into *Society*; and diſowns to it all *Synodical Authority*. For the *Matter* in debate here is the *Synodical Rights* and *Powers* of the Church ſimply and abſolutely *before*, or *without incorporation*, which the *Letter* aſſerts a *Society* with *Synodical Powers*, but which the *Doctor* abſolutely denies. 'Tis true, if we take all the *Doctor*'s Book, it treats as well of *corporate*, as *non corporate* Churches, but not of *corporate* Churches *only*, as the *Obſervator* would inſinuate; but that is not now the point on which we now are, but that *Hypotheſis* of the *Doctor* concerning a *non-corporate* Church in direct Oppoſition to that of the *Letter*. And upon this point my eight firſt Chapters are pertinent, and virtually granted to be ſo by this *Obſervator*, on this ſuppoſition, that the *Subject matter*, on which they are raiſed, was the *Synodical Rights of the Church as not encloſed within any Civil State or Community*. And if it were not ſo with the *Doctor*, his Diſcourſe was impertinent againſt the *Letter*, whoſe proper *Subject* was a *Church non-corporate*, and its *Synodical Authorities*. So that if the compoſure of my *eight firſt Chapters* be ſuch a *merry Feſt*, it appears very OBSERVABLY by this Man's *Sardonian Grins*, that he neither likes, nor can tell what to make of *ſuch Feſting*. But at laſt he will vouch for the *Doctor*, that he ſhall own the Church before any *Civil Incorporation* to *be a Spiritual Society, founded upon Hierarchy and Orders*. Say you ſo? Then I ſhall be more beholden to him than the *Author* of the *Letter*, to whom he was ſo ſhy in this Point.

But Doctor *Wake* is of Age; he wants no *God-Father*, eſpecially a *nameleſs one*; let him ſpeak for himſelf, or elſe, I pray, Mr. *Obſervator*, produce your *Powers* and *Credentials* under Doctor *Wake*'s Hand giving you this *Warrant* for our Aſſurance; for otherwiſe you are a very *incompetent* Surety, becauſe *unknown*. However, either in private you have his Orders for this remonſtrance in his Name, or not; if you have, then you are the *Doctor*'s Fool, and himſelf is engaged in this Work, which he is aſhamed to own; but if not, you are a vain and bold Impoſtor to act without Commiſſion. However the Sponſion is of no Credit; becauſe the *Doctor*, when in his Preface to his Appeal he was at leiſure to make little Cavils in excuſe to ſome few of his ſelf-contradictions, did not think fit to deny this Charge of mine, though in a matter ſo foul and important. But ſuppoſing the *Doctor* at laſt will grant this; what is it that he ſticks at? Namely, *that it will not prove a Divine and unalterable Church-Right of Synods under Chriſtian Princes in her own Name and Authority*,

(5.) *Obſ.* p. 8.

(5.) Well, but will it conclude ſuch her Divine Right in her own Name and Authority under Unchriſtian Princes? Firſt let me know that. Will he vouch, that the *Doctor* ſhall grant this alſo upon his ſecond *Thoughts* and *Obſervations*? I will be thankful with a little, if he pleaſes to be kind. But this is what he hitherto moſt reſolutely denied, and faſtidiouſly ſcouted; and he ſeems not very eaſy to abjure any the leaſt inadvertency. But however whether he will grant this or no, if he grants the Catholick Church to be *one Spiritual Society by Divine Conſtitution under Hierarchy and Orders* among all Civil States whatſoever, I will force him to own that Synodical Authority, whether he will or no. For this Unity cannot be preſerved but by one *Catholick Ariſtocracy* of Biſhops, nor *that Ariſtocracy* preſerve it but *by Synods*, and *Synodical Communications*. This is ſo fully proved in the 4th Chapter of the *Municipium*, that even this *Obſervator* durſt not deny, but only thinks it diſputable. Why ſo? *Becauſe different* Synods *have determined the ſame* Queſtion *different ways, and their* Succeſs *has not been ſo happy as one could wiſh.*

(6.) *Obſ.* p. 11. 12.

(6.) But this reaſon will deſtroy the *Right* and *Neceſſity* of all Councils of State, nay and Forms of Civil Government whatſoever; becauſe many times they have not been ſo uniform, and ſo ſucceſsful in their Conduct as one could wiſh. I will not load this way of Reaſoning with that juſt *Odium*, that it deſerves in

this

this, and all other free Nations; I ſhall only note, that the fallacy is as obvious, as weak: For the Queſtion is not, *whether* Synods *are* infallible Forms *of* Church Government, *always* actually *ſupporting the Catholick Unity*, &c. but whether *it can be ſupported* with *them*, *or* without *them*: For if it can be ſupported *with* them, then are they a *ſufficient* Polity to preſerve Eccleſiaſtical Peace and Uniformity: Which alſo if it cannot be ſupported *without* them, then they are *neceſſary* Forms of Catholick Conduct, both which *ſufficiency* and *neceſſity*, I do profeſſedly avow and defend; ſo that if they do not actually at any time attain their due Ends, the guilt muſt lie at their Doors, who oppoſe, pervert, or corrupt them, but the *neceſſity* or *ſufficiency* cannot be impeached by the actual abuſe of it.

The ſufficiency and neceſſity of Synods to Catholick Unity.

§. 3. Secondly, he reproaches me *for ſcouting thoſe Senſes of the* Doctor, *which I own my ſelf as having no other*, namely, *that the* Neceſſities *of the Church engaged the* Natural Reaſon *of all its Members to conſult their Peace and Unity the beſt they can, and ſo brought Synods into the Church, as the like* Neceſſities *in the Common-Wealth did into the Councils of State, which yet I call a good Parallel; though this will not prove a proper Divine Right, ſuch as peculiarly belongs to Chriſtians alone, like that of Preaching the Word, and Miniſtring the Sacraments; for then* Grocers, Mercers, *and* Drapers, * *have as Divine a Right to their Halls, and for their Conſtitutions upon their reſpective* Neceſſities *as any Church whatſoever.* This was a very *Noſtrum*, and he triumphs in it as impregnable, and promiſes to recant if I can prove that the *Municipium* hath proved more. (7.) This is an Age, wherein Men are very nice, and cautious of believing; but however I will try this Man's veracity for once. Firſt then the *Doctor*'s grounds of Synods are far different from thoſe of the *Municipium*. He founds Synods plurally upon EXTERNAL EXIGENCES and NECESSITIES, puting Chriſtians upon REASONS and SHIFTS. (8.) I ſingularly upon INTERNAL NECESSITY laid on the Church by DIVINE CONSTITUTION. So the *Doctor*'s NECESSITIES are BODILY PRESSURES, my NECESSITY is a DIVINE ORDINANCE; *his* provoke to *caution*, *mine* obliges to *Religion*. The neglect of *his* is but *Imprudence*; the neglect

Whether Neceſſities and meer Natural Reaſon are the only Originals of Synods.

* *The Author of ſome Thoughts throws in* Conſtables *and* Church-Wardens *to boot.* p. 35.

(7.) *Obſ.* p. 9.

(8.) Auth. of Chr. Pr. p. p. 43, 265, 267, &c. *Difference between* NECESSITY *and* NECESSITIES.

neglect of *mine*, *Impiety*. *His* only move the *Carnal Paſſions*, *Mine* the *Conſcience*. *His* are naturally and many times *virtuouſly reſiſtible*, *Mine* is *morally irreſiſtible*. That my NECESSITY is of this Form, and founded in a POSITIVE ORDINANCE of God will appear from the very places cited by the *Obſervator*; as firſt, *'Tis only neceſſary to prove a Society Divinely Founded by a full and fair Evidence, and then all the Forms, Rights, and Powers,* neceſſary *to its good Conduct and Conſervation, are* ipſo facto *aſſerted againſt all external Rapes and Uſurpations whatſoever.*

(9.) *Munic. Eccl.* p. 25. *Obſer.* p. 9. (10.) *Munic. Eccl.* p. 45. *Obſ.* p. 11. (11.) M.E. p. 100. *Obſ.* p. 12. (12.) M.E. p. 101. 102. (13.) *Ib.* p. 103.

(9.) Again, *Hence is the Right of Provincial Synods to be held all over the Catholick Church fundamentally* neceſſary *to the Catholick Uniformity of Conduct, and Unity depending thereupon.* (10.) So again; *Such Conventions as are* neceſſary, *no Man whatſoever can have a Rightful Authority to reſtrain: For* NECESSITY, *being a* LAW *from* God, *cannot be vacated by any poſitive Law of Man*; (11.) whereas yet Man's Laws may deliver Men out of ſuch NECESSITIES as the *Doctor* founds Synods on. So ſpeaking of NECESSARY Meetings upon NECESSARY Matters, I ſay, *a* neceſſary *Duty cannot give place to falſe and* unneceſſary *fears*; (12.) and join NECESSARY Cauſes with a DIVINE RIGHT as valid for Meetings againſt the Roman Laws. (13.) So that *Mine* and the *Doctor*'s Notions of NECESSITY and NECESSITIES differ ſenſibly in the *numeral Terminations*, but *toto cælo* in *their importance*. Now if, as I have laid, ſo I have alſo proved this NECESSITY founded in a DIVINE ORDINANCE, I think I have a Right to my *Obſervator*'s Recantation. Now this I take done in *Chap.* 4. from the *Scripture*, and the *Article* in our *Creed* of *one Catholick Church*, and have ſeconded that proof by *Examples Apoſtolical* in *Fact*, *Chap.* 5. as ſhall farther appear in due place, in the Vindication of them; and added the *Suffrage* and *Practice* of the *Catholick Antiquity* for the three firſt *Centuries* in *Chap.* 6. 7. All which I ſhall preſume done effectually, till a more effectual conviction be offered. But why do I then allow the *Doctor*'s Parallel to be good? There's the Cut. Why truly as good *ad hominem*; good againſt the *Doctor*, and that to *part*, not to the *whole* of the Argument. For admitting this his own *Hypotheſis*, this Parallel would be good to prove *ſome Authority* in Church Synods; for if *Neceſſities* found *State Councils* with *ſome Authority* (which the *Doctor*, I ſuppoſe, dares not deny)

deny) why not *Church Councils* alſo with *ſome Authority*, which yet he flatly refuſes to all Synods before *Civil Incorporation*, notwithſtanding introduced by the moſt preſſing NECESSITIES? So far then I turn'd his own Notions upon him to prove *ſome Authority* to the Synods of *non-corporate* Churches, not hence to aſſert an Authority *properly Divine*, which can only ſtand upon *God's Ordinance*. And therefore 'till Grocers, Mercers, and Drapers Halls are inſtituted from Heaven, they being under no DIVINE NECESSITY cannot put in for a ſhare of DIVINE AUTHORITY upon any Rules of *Mine*, how great ſoever their *Exigencies*, and NECESSITIES be. And the happy Wit was under a great load of theſe, when he ſummon'd all his Faculties into Synod in order to this Invention. Of the ſame Form and Deſign was my Argumentation from *Natural Reaſon* to conclude *ſome Right* and from *ſome Right*, *ſome Authority* to convene; I ſay SOME *Authority*; the *Doctor* having only allowed them NATURAL REASON without ANY *Authority*. But I never intended to ſtretch this to an Authority *properly Divine*, which cannot indeed be drawn from any Notions of the *Doctor*, though SOME Authority will, whether he will or no; which, I hope, is a ſatisfactory account againſt this Cavil alſo, (14.) which need not have been made, ſince this my intention was before perſpicuous.

(14.) *Obſ.* p. 11. 12.

§. 4. Proceed we now to the ſecond Claſs of *Obſervations* upon my own *miſapprehenſions*, alias *Blunders*. The firſt of which occurs in my Definition of a Synod, or rather that which is Fathered upon me as mine. I have proved; (15.) that the *Doctor* had defined a Synod, *a Meeting of Eccleſiaſtical Perſons on an Eccleſiaſtical Affair*. I ſhewed alſo that it was not accurate enough to acquit him from the Charge I had made upon his crude Notion of Synods under Heathen Power; becauſe *Perſons* was a term common to the *Laity* as well as the *Clergy*; and conſidering his odd Senſe of ſuch Synods, his Senſe in the term *Perſons* was ambiguous, (16.) in ſtead of which had he put Miniſters, it had been a Definition accurate enough; (17.) that is, with candid Perſons, and againſt that Prejudice, which he has given in his Notion of *unincorporated* Synods. And ſuppoſing, (though it were not certain) that the *Doctor* might have intentions more regular and exact than his terms, I uſe it in ſuch candid Senſe, as *his*,

(15.) *Lett. in repl. to App.* p. 39. *to* 42.

(16.) M.E. p. 8.

(17.) *Repl. to App.* p. 40.

but not *my own*; and argue from it as from *his* againſt *him*. But this has brought upon me a danger I was not aware of: For hereupon he has made the Definition *mine*, and having dreſſed it up his own way, he laughs, ſcoffs, and grins moſt pleaſantly at it; and pretending it the foundation of my eight firſt Chapters, the vanity of it has rendred them all impertinent, and ſo in fine requires my promiſe of thanks for the Detection of its unaccuracy, which I made in my Anſwer to the *Doctor*'s Appeal.

(18.) *p.* 42. (18.) But this it is to be in haſt, and upon the ſpur; for the Definition, which I own for mine, and for the correction I promiſe gratitude, is at the ſame time and place declared to ſtand in *p.* 49. of *M. E.* and that in diſtinction from the *Doctor*'s unaccurate Definition. What then is that my Proper Definition? Namely this. *An Eccleſiaſtical Council* or *Synod, is an Aſſembly of Miniſters in conſult for the Spiritual Conduct of the Church*; and when he has corrected this, I am ready to pay my Offering. In the mean time this is enough to ſpoil his *Market* † upon this Point; and not involve the Election of the *Margaret Profeſſor*, (19.) which is no Conduct of the Church, but a choice of a Reader to Students in Divinity, made by the Electors not meerly *as Prieſts*, not at all *as incumbents* on any Eccleſiaſtical Cure, but *as Academical Graduates in Divinity*, which the Schools have formed into one of their Sciences. But all this is but poor relief, if even *this Definition*, as well as that of the *Doctor*'s, renders all my eight firſt Chapters impertinent. Let us therefore try this dangerous point. He tells me then, that in all the Inſtances, which I have produced, I am to prove two particulars; firſt *that they were not meer* Congregations, *but* complete Synods *according to my Definition, or nothing can be concluded from them*; ſecondly, *that they aſſembled by a* Divine Inherent Right *and* Authority, *not only in* common Prudence *on* neceſſary Affairs. (20.) Now before I go on to the trial, I am of ſome comfort from the firſt of theſe Propoſals, that even the *Doctor*'s Definition, falſly called mine, (and therefore much more that which really is ſo) may be *complete*, if *my Inſtances muſt be proved* complete Synods *according to that Definition*. Say you ſo? Then that Definition of a Synod muſt be *complete*, whoſe Conſtituent Parts make a *complete* Synod. And has this Oculate Author plaid the *Merry-Andrew* all this while to expoſe a *complete* Definition of a *complete* Synod? Is that now confeſſed unawares to be

† *See Obſ.* p. 5.

(19.) *Ib.* p. 6.

(20) *Obſ.* p. 13.

complete,

complete, whoſe *incompleteneſs* juſt now was deſigned for a *complete* piece of Wit and Diverſion? It is impoſſible for him to get off, and pretend again 'tis *incomplete*; ſince all his following Arguments do acknowledge, not *ironically*, but *plainly* its *completeneſs*, to which the Inſtances by me offered (he fancies) do not *completely* come up. But why ſo? Becauſe this Definition *completely* excludes Lay-Perſons out of all Synods; but Lay-Men were in all thoſe Aſſemblies, which I have inſtanced in the Acts of the Apoſtles, (21.) and in many of them obſerved in the Primitive Ages. (22.) We will conſider Particulars by and by in due place. But firſt I would fain know, how either of theſe Definitions do *exclude* Lay-Men out of Synods? They require an Aſſembly of *Miniſters*, but I do not find they *exclude* the *Laity*. Nay, I will *condemn* all Definitions of a Synod in general, that ſhall *exclude* the Laity, as either *falſe*, or not *univerſally adequate*. It was impoſſible for me to have any ſuch *definitive* or *deſcriptive* Notion. In Synods for Election of Biſhops the ſtanding and communicant Laity had a Right of Preſence, and Suffrage. In thoſe enjoyning Penance, or reconciling Penitents, even the Offenders were bound to preſent themſelves; nay, the *Laity* may in Caſes of their own Right, or Inſtruction, or on admiſſion of the Biſhops, or Clergy in other Caſes, *have* and *uſe* ſeveral Offices, hardly any excepted, but thoſe of *final Determination*, and *Spiritural Cenſure*, or *Sentence*. Nay, the Souls of the *Laity* being the concern of moſt Synods, would the *Laity* be decent and tractable, all Synods would be beſt held in their ſight, and audience. And ſo they were in the Days of the Apoſtles, and the purer Ages, if times and occaſions would admit ſuch openneſs. In after times twas the Violence, and Factions, or the intollerable Numbers, that required their *excluſion* to avoid Noiſe, Confuſion, and Diſorder. So that the *Obſervator*, I fear, will be reduced to ſome ſtrait, out of which, if he cannot ſlip by proving the Definitions *excluſive* of the Laity, he is undone; for then all my Inſtances are like to hold good and pertinent, to his no ſmall mortification. But being in an earneſt and triumphant Career, and not conſidering the danger, that ſtar'd him however in the Face, from a curſory deſcant upon the particular Inſtances he pronounces them all to be *no* Synods, but meerly *true Church Congregations*, and yet charges me as neerer Independency than the *Doctor*, (23) which yet he formally

(21.) *Obſ.* p. 13, 14, 15.

(22.) *Ib.* p. 15.

Excluſion of the Laity not eſſential to Synods.

(23.) *Obſ.* p. 13, 14, 15.

formally eſpouſes himſelf even in theſe his own *Notions*, which are purely *Congregational*. To ſet us therefore at Right, let us conſider the *Modern Notions* by which we now diſtinguiſh *Synods* from *Congregations*. We then account all Aſſemblies for the Publick Service of God in Prayers, Sacraments, Preaching, and Catechiſing, to be *proper* and *formal Congregations*. In Cathedrals, and Collegiate Churches, and Chappels, it often happens that ſeveral Clergy-Men Miniſter, but in Parochial Churches moſtly but one, though ſometimes in great ones two; but in theſe we hold no Eccleſiaſtical Councels, nor Judicatories, and ſo repute them not as *Councils*, or *Synods*. But a *Concourſe* of *Biſhops*, or *Clergy ſitting in Conſult for the Spiritual Conduct of the Church*, whether in the Preſence of the Laity, or no, is a *proper Synod*, or elſe the Council of *Chalcedon*, and all that imitated it, nay, the very firſt of *Nice* it ſelf, in which *Conſtantine* ſate, were *no Councils*. Upon which clear and diſtinctive Notions we may now very ſeaſonably deſcend to Particulars.

The diſtinction between Synods and meer Congregations.

Now the firſt of theſe was that Convention of the Apoſtles and Diſciples to the number of about 120. in which a Succeſſor to *Judas* was propoſed and choſen. This, ſays he, was a *mixt Congregation*, at which he challenges me to prove that the Women were not preſent; and entertains himſelf pleaſantly at my defect of Memory, as well as Underſtanding. I ſuppoſe by this time he ſees, that *my Definition* does not make it neceſſary for me to *exclude* even theſe Holy Women from Preſence in the Synod; only I think they had no *Vote* in the Nomination. But to this purpoſe to prove it a mixt Congregation it is neceſſary, that *he affirm* and *demonſtrate* their Preſence at this Conſult, which I am ſure the Hiſtory does not ſo much as intimate. And how then will he prove any of the reſt of the Diſciples preſent at this Tranſaction, Lay-Men. Dr. *Lightfoot* was of a ſtrong Perſuaſion, upon his profound reaches in ſuch Matters, *that they were Apoſtles*, 70. *Diſciples*, *and about* 38. *more principal Diſciples fitted for the Miniſtry*; (24.) and the Learned Doctor *Comber* ſays, *he has proved them ſo to be.* (25.) Will this Gentleman fly as liberally in *their* Faces, as he has done in *mine*, and upbraid them with their Ignorance? But ſuppoſe the *Quality* and *Order* of theſe 38. or thereabout; to be uncertain, nay, that they were Lay-Men,

(25.) *Vol.* 1. p. 743. 750.

(25.) *Diſcourſ. on the Office of making Deacons.* p. 106.

The Election of a Succeſſion to Judas *a proper Synod.*

yet

yet it cannot be doubted, but all the 73. or 72. Diſciples (if alive) were preſent; and ſo the *Clergy* were above double the number of the *Laity*. This perſuaſion is not only credible by its internal probability, but by the Tradition preſerved by *Euſebius*, that *Matthias*, and *Barſabas* were out of *this Claſs* preſented before the Lord. (26.) And did all theſe ſit here on this Affair in a form of an Aſſembly for meer Worſhip, in which the numbers of the Laity always are the greater? Or were they like an *Independent Congregation* joined to *one Paſtor*? Though therefore they Worſhip'd God in that Aſſembly, as all Councils do, yet they ſate as a *formal Council* on a Fundamental Point for the Eccleſiaſtical Conduct and Polity, the Creation of an Apoſtle. O Maſter Obſervator, you may as freely trifle with me as you pleaſe; but when you come to treat of God's Word, have a care how you pervert it to ſerve a falſe *Hypotheſis*, or a Mortal Man's Humour, though it be even your own.

This, being clear'd upon the firſt Inſtance, will account for the ſecond in the Election of the ſeven Deacons taken alſo out of the ſame Seventy according to the Tradition reported by *Epiphanius*; (27.) which therefore muſt ſuppoſe them to be preſent alſo at this *Seſſion*, which was before their diſperſion from *Jeruſalem*.

So of the Deacons.

(27.) *Epiph. l.* 1. *Tom.* 1. *de preſent Chriſt. poſt. Hær.* 19. *Lightf.* Vol 1. p. 778.

In the 3d Inſtance of the Council at *Jeruſalem* the matter is clear to the higheſt; for the Church at *Antioch* ſent to conſult the Apoſtles and Elders only at *Jeruſalem* on the point of *Circumciſion*. This they debated before the *Laity* of that Mother Church, where the Error originally aroſe, and which therefore needed that Audience and Inſtruction; and all being ſatisfied, no wonder if the Synodical Letter was wrote in the Name of the Apoſtles, and Elders, and that whole Church to the Gentile Chriſtians of *Antioch*, *Syria*, and *Cilicia*, with Reſolutions and Injunctions, which had their proper Authority over the Gentile Chriſtians only from the Apoſtles, who were the firſt Patriarchs of the Chriſtian Church. And here I am concern'd, how I ſhall keep the Peace between *this Obſervator*, and the *other Man* of *ſome Thoughts*; who yet is alſo divided between his two great Authors Mr. *Hooker*, and *Grotius*; the former of which makes this the moſt *complete* and divinely Authoritative

So the Seſſion about Circumciſion.

Of theſe ſee Father Paul *Hiſt. of Council of* Trent.

Authoritative of all Councils, the latter takes it rather for a *College* than a *Synod*, becauſe not collected out of the *Syrian* and *Sicilian* Provinces, (28.) which is no juſt reaſon againſt its being a *Synod*, but only that 'twas not a *Domeſtick*, or *Provincial* one; but however neither of them has reduced it to the form of a *meer Congregation*, which certainly could not have preſcribed Canons, or Injunctions (as it did) to thoſe Gentile Churches, had it not been a proper and Authoritative Council, which ſome are pleaſed to account General, ſince the Apoſtles jointly ſociated had no doubt an Oecumenical Authority over the whole Catholick Body. If then *theſe Acts* were properly Conciliar, then ſo were all *thoſe Miſſions* alſo from the *College*, and *Seſſions Apoſtolical*, (29.) which therefore are of form *properly Synodical*. Which accounts upon theſe Scripture Inſtances will alſo juſtify all thoſe, which I have noted in Antiquity, from all theſe vain and forced exceptions. And when it ſhall be conſidered that four of the Conciliar Seſſions at *Jeruſalem* are taken for ſuch, not only by the Ordinary Gloſs, but alſo by the Collectors of the Councils; it was a little too fulſome to paſs a reproach upon me, as if this were *my proper* Folly, which accords with the Sentiments of ſuch Learned Men, whoſe Intellectuals this *Obſervator* muſt not pretend to inſult over.

(28.) *Som. Th.* p. 28, 29, &c.

(29.) *See Obſ.* p. 14, 15.

Having then proved theſe Seſſions to be *properly Conciliar*, it will be no great difficulty to ſhew that they acted by *Authority*, and not only by a *common Prudence* without it; but if they acted by *any* Authority, it muſt be Divine; for they had none *Humane*, either from the Jews, or Heathens. The choice of a Succeſſor unto *Judas* was by St. *Peter* founded upon a Prophecy, the accompliſhment whereof made this procedure neceſſary; the final iſſue whereof was remitted to the Divine Lot, and ſo the affair was not at all of *Humane Counſel*. The *Diaconate* was given by Impoſition of Hands, *Divinely Benedictory*, and *Authoritative* in the Senſe of all ſuch, as herein firſt found the Order of Deacons in the Chriſtian Church, which is the received Notion. The Council upon *Circumciſion* decrees by, and with the Holy Ghoſt, and gives Canon to the Gentile Chriſtians; which cannot be a project of *meer Inauthoritative*, or *common Prudence*, and why the inſtanced Miſſions ſhould be leſs Sacred and Authoritative,

All acted by Divine Authority not meer Humane Prudence.

I deſire this Author to offer ſomething worth *Obſervation*. Antiquity challenged the ſame Powers and Authorities to their Synods, as I have ſhewn, though in an inferior Degree, or Meaſure, which muſt be true, or it muſt be all condemned for Impoſturous. And ſince the *Doctor* tells me by *Letter* that *he has Schemes lying by him which may anſwer theſe Ages*, I provoke and challenge him to produce them, or confeſs that my Accounts are fair and undeniable.

§. 5. The next failure in this *ſecond Claſs* of *Obſervations* is noted in the 10th Chapter of the *Municipium*, namely that I omit, beſides thoſe *two* which I have aſſigned, a *third Reaſon*, or *Uſe* of Examples in Legal and Judicial Enquiries; namely *to prove the* Rights *of a* Prince, *who is by an* extant Law *declared to have the ſame* Authority *in* Church Aſſemblies, *that the* Ancient Princes *enjoy'd. And in which Caſe the Allegations of what Powers* Princes *did uſe, is not only a good* preſumption of *what other* Princes *ought to enjoy, but a* demonſtrative Proof *of what ſuch a* Prince *is by* Law *entitled to.* (30.) But herein the Man fell unawares into a very unſkillful Blunder, while he affected a curious Fallacy. The Section in which he finds this Defect is the 2d only; which diſcourſes of *Examples* in general, brought as *Arguments*, or *Preſumptions* of Right, without any reſpect to any *ſpecial Order* of Men. So that had this Man underſtood the Laws of Method, he ſhould have added a *third Reaſon* in common and general, without any appropriation to any *ſpecial Order*; whereas he *confines* his *third* Reaſon to the *Caſe* and *Right* of *Kings only*, which yet cannot hold good, except it be common to all other Perſons. Had then his Head and Reaſon been methodical, he ſhould have ſet the term *Perſons* in ſtead of *Princes*, and then, if this Rule be found for the Rights of all Perſons, it would have incluſively have argued for, and ſecured the Rights of Princes by common equity; which being *appropriated* to *Princes*, without any *ſpecial cauſe* of *diſtinction* founded in *their Order*, it cannot do. But whether we extend it to all *Perſons*, or reſtrain it to *Princes*, 'tis a very plain, and as weak a Fallacy: For if the Equity, or Right of your *poſitive Laws* be queſtioned, and you think to juſtify them by *antecedent Examples*; if *thoſe Facts* are all ſuſpected, or impeach'd, they are ſo far from being a ſup-

(30.) *Obſ.* p. 19, 20.

port

port to the *Right of ſuch Laws*, that you muſt produce ſome equal Rule, or Original, which may be fairly preſumable for the rectitude of *ſuch Facts:* For ſuppoſe a *Law* here made to enable our King to ſet up *Heathen*, *Mahometan*, or *Popiſh* Religions: This Law I ſcorn as *null*. How, Sir, ſays the *Obſervator*, I preſcribe for *Heatheniſm* erected by Kings from the Days of *Bel*, for *Mahometiſm*, from *Mahomet*, and all the Princes of his Religion, for *Popery* from all the Princes of the Weſtern Church, even here, till very lately, and this proves the *New Law* (hereupon erected) good. But I come upon him again, and tell him, Friend, I do not deny *your Facts*, from which you would preſcribe; but their *inſufficiency* to a *good Preſcription*, eſpecially in point of *Conſcience*, and *Moral Duty*; becauſe no Man can *preſume* a *good* Original of *thoſe Facts*. And therefore ſtill my Rule holds complete, that there are but thoſe two uſes of Example in all *Legal Diſcuſſions* of *Right*, namely thoſe which are ſet in the 2d Section of the tenth Chapter; and this *Obſervator* might have ſeen this pretence of his prevented to his Hand in the 3d and 4th Sections; and no doubt did ſee it; but a Cauſe being to be ſerved, ſome pretence was to be made, though even againſt good Sence and Conſcience.

§. 6. And thus I have accounted for all that he has with any pertinence charged upon my Book; I ſay, with *any Pertinence*, for thoſe other few Opinions, which he pretends to oppoſe, are falſly imputed to, and renounced by the *Municipium*, and ſo I reckon not my ſelf concern'd to a reply here, eſpecially ſince my Sence of them will appear in the ſecond Part. But ſince, after the *Book*, he falls foul upon the *Preface*, and its *Blunders*, I muſt follow him through the Puddle, for ſuch is the Subject Matter of his following Charge.

§. 7. His firſt Reproach (in which he ſeconds the Author of *ſome Thoughts*) (31.) paſſes upon my Account of King *Henry* the VIII. and the *ſubmiſſive Convocation*; upon which he ſtorms and ruffles me mightily for a dull Blunderer, and ſays, that *the* Ground *of all my* Invective *againſt them is falſe*; *for how could the* Submiſſion *of the* Clergy *be extorted though fear of a* Premunire, *when the* Clergy, *three Years before the* Convocation *made that* Submiſſion, *had obtain'd a* Pardon *for all Offences committed againſt that Statute*

(31.) *S. 7 b.* p.

of

of Premunire, *by Act of* Parliament, *and what could more exempt them from that* Terrour, *than ſuch a full* Pardon? (32.) Upon which Doctor *Wake* ſhall acquit me, or bear the Blunder, who gave me this Account of that Affair, that *notwithſtanding the Laws of* Premunire, *the* Pope *ſtill proceeded in his own way, and the* Clergy *were always ready to aſſiſt him in it. And by this means there were but very* few *of any* Note *among them, who had not upon ſome account or other incur'd the* Penalty *above mention'd. Upon this ground therefore the* King *reſolv'd to attack them. And they, being well aware of the* Danger *of it, determined by any means to avoid it. In order whereunto the firſt agree to offer the* King *a ſumm of Money,* * *and in the next place by an* Act of Convocation *to* ſubmit *themſelves to him, and* recognize *his* Royal Authority *over them. This was that* Submiſſion, *upon which the* Act for regulating the Convocation *was drawn.* (33.) *&c.* And I pray what have I ſaid more? Doctor *Wake*, in his Preface to his Appeal cites my Words at full with a deſign to expoſe them to popular *Odium*, (34.) but never charges them with Falſhood, or Blunder. Nor could he well, ſince a great Friend of mine, as he in his *Excellent* Hiſtory of the Reformation (for ſo I own it with *Honour* to be) has aſſerted the ſame. *Part.* I. *Book* II. *p.* 113. Where, on *An. Chr.* 1531. being the 22d of *Henry* VIII. when the Clergy and Laity were pardon'd for the Premunire, his Words are theſe——— *They* (the Province of *Canterbury*) *pray'd the King to accept an* 100000. l. *in lieu of all Puniſhments, which they had incur'd by going againſt the Statutes of* Proviſors; *and did promiſe for the future neither to make, nor execute any Conſtitution without the King's Licence; upon which he granted them a general Pardon; and the Convocation of the Province of* York, *offering* 18840. l. *with another Submiſſion of the ſame* Nature *afterwards, though that met with more oppoſition, they were alſo Pardoned.* So that what was done after *An. Chr.* 1534. *R's. Henry* VIII. 25. was but a doing the ſame thing again, and renewing their firſt Engagement at the King's Contrivance, that he might ſecure it by an Act of Parliament: For, notwithſtanding the firſt Submiſſion, the Oath of the Prelates to the Pope was ſo contrary to that of the King's Allegiance, that the King complain'd in Parliament that he was deceived, in that the Prelates were but half Subjects. *p.* 123. So to make

(32.) *Obſ.* P. 25.

*100000l. *in Prov.* Cant. 18840. l. 10. d. *in Prov.* Ebor.

(33.) *Auth. of Chr. Pr.* p. 248.

(34.) *Pref. App.* p. 5. *So that my Adverſaries are herein Impoſtors againſt the Truth of the Hiſtory.*

make good their Word, and to avoid the Terrour of the King and Parliament, they renewed it again, *An. R's.* 25. But the manner is not known, the Regiſters of the Convocation being burnt. *p.* 147. But had they not done it then, it had been a ſuſpenſion of their Promiſe and Submiſſion made before their Pardon, *An. R's.* 22. and would have drawn a new *Premunire* upon them.

§. 8. In the ſecond Place he charges me with a Contradiction, *in confeſſing that our* Kings *had a* Right *to this* Supremacy *by an* Original Contract, (35. *and ſo thereby juſtifies* this Submiſſion *by my own Notion, which yet he is not bound to believe.* The place he refers to in the Margin is *Municip.* p. 136. But I am ſure that that Paſſage was written with more than ordinary care even as to the form of Words; * and whoſoever honeſtly and fairly obſerves their penning, will find that this *Momus* has altered or perverted them, and that as I ſet them, there is no Contradiction, and for ſatisfaction herein, I deſire the Reader to compare them with *Mun. Eccl.* p. 176.

(35.) *Obſ.* p. 25.

* *So that the* RIGHT, *which is* ATTRIBUTED *by our Laws to our Kings*, &c.

§. 9. In the third place he thinks I revile King *Henry*, and commend Queen *Elizabeth* for the ſame Act of *Submiſſion* (which the Queen revived) by ſaying, *that for* that *we owe all gratitude under God to the Memory of Queen* Elizabeth, *i. e.* forſooth for *reviving the Act of Submiſſion.* (36.) Hold, hold, Sir, not too faſt, I beſeech you; thoſe are neither my Words, nor Intentions in the place refer'd to *Lett.* in *Repl.* to *App.* p. 54. Where I truly, and only ſay thus; *We owe under God all true gratitude to the Memory of Queen* Elizabeth *for our* Reformation. 'Tis the REFORMATION of Religion, which I attribute to *her* Praiſe, and not to King *Henry*'s, as my Adverſaries do; but as to the *revival* of the *Statute of Submiſſion*, I have ſaid nothing to *her* Praiſe, becauſe it ſeems rather a matter of *State Policy* than any thing elſe. However finding how it grated upon Men's Conſciences, ſhe abated all *rigorous Senſes* in the *Oath of Supremacy* by a particular Injunction; which, being a good and effectual Expedient unto Peace, and Conformity, deſerves from us a very grateful Memory.

(36.) *Obſ.* p. 25.

§. 10. The fourth Inſtance, in which he pretends I decline from my firſt Pretenſions and Confidence is, where in *Repl.* to *App.* p. 57. *I conclude* only *thus, That the* Church

by

by her ſelf alone, where the Chriſtian Prince *will not interpoſe, (as that he may lawfully refuſe) has a* Divine Right *of* Synodical Authority *in* Canons *and* Sentences *purely* Eccleſiaſtical: From which he would infer, that hence the King, if he will interpoſe, has a Divine Right antecedently to the Church, even in Synodical Authority; and ſo goes on in his way. (37.) But herein is a double miſcarriage; one, as if this was *all*, or *alone* my Concluſion; whereas it was but *part* of my Senſe, to which the *Doctor* was forced to aſſent, and therefore firſt alleged by me. But was this *all* my Concluſion? Or do I thereby forego the Churches *Divine Rights*, and ſo *my Principle*, whether the Prince interpoſes *for*, or *againſt* the Church? So far from that, that in the conſequents (which were not to be *obſerved*) I avowedly defend them againſt all mixtures to the contrary, made even by the Churches own Contracts with Princes. But however would this have been a Conceſſion to a *Divine Right* of the *King*, *antecedently* to the *Church* even in *Synodical Authority*? Sure, I am, that I was not aware of it in that place, where I conceive his *Rights* lodged in *Contract*. But however I might be improvident. Let us ſee whether the inference be real. *If the* King *will not interpoſe, the* Church *has a* Divine Right *of* Synodical Authority *in* Canons *and* Sentences Eccleſiaſtical, *as the Doctor is forced to grant.* Ergo, *if the* King *will interpoſe, he has it* antecedently *to the* Church. Now I deny this Conſequence; becauſe *bare actual Interpoſition* of an irreſiſtible force does not ſuppoſe *any Right* at all, much leſs *Divine*; and more than *actual Interpoſition* my Words ſuppoſe not, and proceed upon. But ſecondly, a *meer Right* of *ſimple Interpoſition* does not infer an *Authority properly Synodical*, much leſs a *Divine Right* to it. Complainants, Defendants, Aſſiſtants, Legates from other Synods may *interpoſe* their parts, and yet have *no part* of the *Synodical Authority*, or *any Right* to it. However *Synodical Authority* (properly ſo called) cannot agree to *Lay-Perſons*, (eſpecially without the Churches grant by Contract) for they cannot make Canons under pain of *Anathema*, &c. nor *paſs* or *diſannul* Spiritual Cenſures, how much ſoever they may actually, or even of Right *interpoſe*.

(37.) *Obſ.* P. 33, 34.

§. 11. At laſt he puts nine Queſtions, in which he would infer, that in the matter of them I have contradicted the Deſign of my Preface, &c. among which however there is but one, that ſeems to pinch me, *viz.* the 8th. *Whether I did not touch the King of England's Supremacy in particular, in the Preface, and the* 107. *and* 108. *pages of the* Municipium *contrary to my Pretenſions in* Lett. *againſt* App. *p.* 38. To which I anſwer, that I never pretended not to have touch'd our King's Supremacy, but that the *Municipium* never touched the *Doctor*, i. e. his Book *in the Cauſe of our own Kings* Engliſh *and* Peculiar Supremacy, meaning, that it never handled, or meddled with the *Doctor's* Arguments, or Sayings upon that Point. Otherwiſe I have touch'd the Point it ſelf decently, and aſſigned it its true Original, *ſuch*, and *ſuch alone* as our *Judges* do, or can go upon; namely, *National Contract*. But if he means, as no doubt he does, that I have touch'd our King's Supremacy with an ill, or unkind Hand, I flatly deny this, as to the *Real* Right of Supremacy *really* reſtored to the Crown by *Henry* VIII. and Queen *Elizabeth*; but if I have touched any *Innovations* elſe, *that* never was deſigned to impeach the ancient and reſtored Powers; nor can I thereupon be impeach'd of any ſuch actual or deſigned Impeachment. And now to conclude; The greateſt of all the Injuries, contrived by the *Doctor* or his Second, againſt me in theſe *Obſervations*, † is this, that he has forced me to write an Anſwer to his *Obſervations*; which though it muſt convince the World of the Impotency of his Cauſe, yet can be of little Improvement to the Reader. The only uſe it can be of, is to aſſure him, that the *Doctor* cannot for his Life, either find, or make any flaw in the *Municipium*; and therefore that he may ſecurely rely on the Truth of its Principles, which even the *Obſervator* himſelf pretends not to oppoſe. (38.) Upon Conceſſion or Suppoſition of which Truth, the Learned Maſter of SOME THOUGHTS has pronounced for it, that *all Humane Laws to the contrary can be of no force.* (39.) As for his ravings, which ſo much expoſe and diſcover the torture and confuſion of his Spirits, ſome Adverſaries would rejoice at the Advantage, that he had ſo effectually

† *For I muſt Charge them upon him alſo, till he renounces them, becauſe he has not yet done it on my demand.* Vid. Pref.

(38.) *Obſ.* p. 39.

(39.) *Som. It.* p. 2.

effectually rendred himſelf vile and contemptible by his porterly and dull Rudeneſs; but the Eſteem I ſtill have for the *Doctor*, on the account of his other Performances, and my Reſentments for the diſhonour the Church may undeſervedly ſuffer by theſe Indecencies of ſo great a Member, do really affect me with a juſt grief on that Account; as well knowing how much Diverſion it muſt give to the common Enemies, not ſo much againſt our Perſons, as againſt our Holy Mother, and the very Chriſtian Religion, the guilt whereof muſt lodge at the *Doctor*'s Door, except he fully and fairly diſclaims theſe *Obſervations*; which if he does, then I revoke this Charge, and will not that it be to him any farther Prejudice; the Reaſon, why I lay it now, being grounded on his refuſal of a Private, and Epiſtolary Renunciation, and deſigned to provoke him (if poſſible) to a Publick Purgation, and thereby to a recovery of his Honour with me, and the World, which hath been ſo much Blemiſhed by theſe *Obſervations*.

FINIS.

Addenda.

PART I. At *Page* 92. Concerning the Story of *Wolfolendus* in Doctor *Wake*'s Book, *Page* 35. having not *Bauze* by me, I ſent to *Oxford* to a Friend to enquire into the Place Cited by the *Doctor*, and received Anſwer, that the Citation was Erroneous; and ſo I could make no other Anſwer than I have, upon ſuppoſition that the *Doctor*'s Relation had been exact; but a better Account is now to be ſeen in Mr. *Atterbury*'s Excellent Work, *Edit.* I. *p.* 141.

PART II. *Page* 173. 1 *Colume* dele *Councils called by the* Emperour. 1. Council of *Rome*, under *Gregory the Great*. *An.* 590.

Municipium Eccleſiaſticum, Juſtified, &c. *Page* xv. Upon the late ſtrict ſearches that have been made into this part of our Hiſtory, it appears that the *Submiſſion* of the Clergy was made after the *Premunire* was releas'd; that is, the *Submiſſion* properly ſo call'd, whereby they gave up their Power of making Canons, without a *Licence* from the King. However, by the Terrors of a *Premunire* it was, that they were brought to *Submit* to an Acknowledgment of the King's *ſupreme Headſhip*, in the Preamble of their Grant of an 100000 *l.* And this was the firſt ſtep, or Act of *Submiſſion*, which eaſily led the way to what afterwards follow'd.

Municip. Eccl. &c. Page iii. l. 14. r. the Rights whereof. p. iv. l. 9. r. Tool. p. viii. l. 2. r. whereof. p. ix. l. penult. r. ſo. p. xv. l. 12. r. they firſt. l. 21. after Sin r. as.